

tary, praying for legislation granting pensions to the survivors of the various Indian wars, and asking support of H. R. 27832; to the Committee on Pensions.

By Mr. SIMS: Paper to accompany bill for relief of John J. Bateman; to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of George P. Chambers, Frank M. Wells, and John N. Falls; to the Committee on Pensions.

Also, paper to accompany bill for relief of John R. Lewis; to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John W. Scott; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: Petition of citizens of Ellenton, Fla., favoring a parcels-post act; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of Frank Kline-Stewart Co., favoring Gardner bill, H. R. 12000; to the Committee on Labor.

By Mr. TOU VELLE: Petition of rural carriers of Fort Recovery, for a parcels-post law and increase of carriers' salaries; to the Committee on the Post Office and Post Roads.

By Mr. VREELAND: Petition of C. E. Welch and others, of Dunkirk, N. Y., for the Burkett-Sims bill; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, December 13, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Lodge and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by W. J. Browning, its Chief Clerk, announced that the House had passed the bill (H. R. 22842) providing for taxation of and fixing the rate of taxation on inheritances, devises, bequests, legacies, and gifts in the District of Columbia, and providing for the manner of payment as well as enforcing payment thereof, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House has signed the enrolled bill (S. 7539) for the relief of Aaron Cornish, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. NELSON presented petitions of Kettle River Lodge, No. 334, of Sandstone; of Roosevelt Lodge, No. 1523, of Bemidji; and of Goar Lodge, No. 230, of Bertha, all of the Modern Brotherhood of America, in the State of Minnesota, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Monday Club of Northfield, Minn., and a petition of the Tourist Club of Rochester, Minn., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which were referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented petitions of Linnwood Camp, No. 13, of Metropolis; of Local Camp No. 80, of Springfield, Woodmen of the World; of Local Lodge No. 2123, of Elgin; of Local Lodge No. 2099, of Dongola; and of Local Lodge No. 2139, of Fordyce, Modern Brotherhood of America, all in the State of Illinois, praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens and business firms of Dongola, Litchfield, and Chicago, all in the State of Illinois, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Merchants and Business Men's Association of Rockford, Ill., and a petition of the Portland Commercial Association, of Oglesby, Ill., praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. SUTHERLAND presented a petition of Local Lodge No. 1451, Modern Brotherhood of America, of Salt Lake City,

Utah, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens and business firms of Logan, Utah, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. GAMBLE presented petitions of Park Lodge, No. 725, of Spearfish; of Local Lodge No. 599, of Madison; of Local Lodge No. 2405, of Murdo; and of James Valley Lodge, No. 559, of Huron, all of the Modern Brotherhood of America, in the State of South Dakota, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a petition of the Thimble Club, of Providence, R. I., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. FLINT presented a memorial of the Chamber of Commerce of Santa Barbara, Cal., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Silver Star Lodge, No. 846, of Los Angeles; of Bay View Lodge, No. 793, of San Pedro; and of Local Lodge No. 952, of Whittier, all of the Modern Brotherhood of America, in the State of California, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of southern California, praying for the enactment of legislation granting to commissioned Army nurses of the Civil War the same age pension as is granted to veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented a petition of the Humboldt Chamber of Commerce, of Eureka, Cal., praying for the adoption of certain amendments to the present tonnage laws, which was referred to the Committee on Commerce.

He also presented the memorial of Francis M. Staples, of Los Angeles, Cal., remonstrating against the establishment of a Civil War volunteer officers' retired list, which was referred to the Committee on Military Affairs.

He also presented petitions of the State societies, Sons of the Revolution, of California, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, Georgia, Missouri, Kentucky, Ohio, Indiana, Illinois, Michigan, Colorado, North Dakota, Montana, and Washington, praying for the enactment of legislation providing for the printing of the unpublished archives of the United States Government relating to the War of the Revolution, which were ordered to lie on the table.

Mr. BROWN presented a memorial of Gen. Willich Post, No. 289, Department of Nebraska, Grand Army of the Republic, of Palmer, Nebr., remonstrating against the establishment of a Civil War volunteer officers' retired list, which was referred to the Committee on Military Affairs.

He also presented a memorial adopted at a convention of the Mid-West Implement Dealers' Association, held at Omaha, Nebr., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Local Camp No. 242, of Bristol, and of Washington Camp, of Beatrice, of the Woodmen of the World; and of Local Lodge No. 384, of Geneva; of Local Lodge No. 296, of Broken Bow; and of Local Lodge No. 316, of Craig, all of the Modern Brotherhood of America, in the State of Nebraska, praying for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. ROOT presented memorials of sundry citizens of Akin, Albany, Albion, Batavia, Bath, Binghamton, Brooklyn, Buffalo, Chaffee, Cuba, Dansville, Freeport, Geneva, Holley, Johnstown, Long Island City, Middletown, Monroe, Niagara Falls, New York City, North Tonawanda, Ovid, Penn Yan, Phelps, Plattsburg, Port Chester, Port Washington, Poughkeepsie, Rochester, Rock Glen, Schaghticoke, Syracuse, Tivoli, Troy, Utica, Warwick, Warsaw, Watertown, Wellsville, and Yonkers, all in the State of New York, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped

envelopes, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (H. R. 971) for the relief of Joseph R. Reichardt, reported it without amendment and submitted a report (No. 919) thereon.

Mr. DEPEW, from the Committee on Pacific Islands and Porto Rico, to which was referred the bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes, reported it without amendment and submitted a report (No. 920) thereon.

INTERIOR DEPARTMENT AND FOREST SERVICE.

Mr. SMOOT. I am directed by the Committee on Printing, to which was referred Senate concurrent resolution No. 38, submitted by Mr. NELSON on the 7th instant, to report it favorably with an amendment, and I submit a report (No. 918) thereon. I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendment was, in line 2, after the word "document," to insert the words "with accompanying illustrations," so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed as a document, with accompanying illustrations, for the use of the Senate and House of Representatives 3,000 copies of the report of the committee and the views of the minority and the evidence taken, together with appendices, in the investigation made pursuant to public resolution No. 9, approved January 19, 1910, authorizing an investigation of the Department of the Interior and its several bureaus, officers, and employees, and of the Bureau of Forestry, in the Department of Agriculture, and its officers and employees, 1,000 for the use of the Senate and 2,000 for the use of the House of Representatives, and that there be printed in one volume 30,000 additional copies of the report of the committee and the views of the minority, 10,000 for the use of the Senate and 20,000 for the use of the House of Representatives.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 9439) to amend the act regulating the height of buildings in the District of Columbia, approved June 1, 1910 (with accompanying paper); and

A bill (S. 9440) to authorize the extension of Colorado Avenue NW. between Fourteenth Street and Sixteenth Street, and Kennedy Street NW. through lot No. 800, square 2718; to the Committee on the District of Columbia.

By Mr. PILES:

A bill (S. 9441) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes; to the Committee on Public Lands.

By Mr. NIXON:

A bill (S. 9442) granting an increase of pension to Frederick L. Jones; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 9443) to amend an act entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906; to the Committee on Immigration.

A bill (S. 9444) granting an increase of pension to Francis J. Trowe; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 9445) granting an increase of pension to James H. Baker; and

A bill (S. 9446) granting an increase of pension to Peter M. Bryant; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 9447) authorizing mineral entries on lands of the Spokane Indian Reservation, State of Washington, classified and reserved as timber lands; to the Committee on Indian Affairs.

Mr. CULLOM introduced a bill (S. 9449) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, which was read twice by its title.

Mr. CULLOM. I desire to state that at some time in the early future I may make some remarks upon the bill. I move that it be referred to the Committee on the Library.

The motion was agreed to.

By Mr. CULLOM:

A bill (S. 9450) granting an increase of pension to Francis M. Foster (with accompanying paper); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 9451) for the relief of the heirs of Benjamin S. Roberts; to the Committee on Claims.

A bill (S. 9452) granting an increase of pension to Gertrude J. Brincklé; and

A bill (S. 9453) granting an increase of pension to Mary E. Trusty; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 9454) for the relief of John F. Wilkinson (with accompanying papers); to the Committee on Military Affairs.

By Mr. BRISTOW:

A bill (S. 9455) for the relief of Ira Haworth; to the Committee on Public Lands.

A bill (S. 9456) for the relief of Joseph B. Riley, alias Thomas B. Keesy (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 9457) granting an increase of pension to Leander O. Tucker (with accompanying papers);

A bill (S. 9458) granting an increase of pension to Melissa J. Kauffman (with accompanying papers);

A bill (S. 9459) granting an increase of pension to Catherine M. Walker (with accompanying papers);

A bill (S. 9460) granting an increase of pension to Sherman McBratney (with accompanying papers); and

A bill (S. 9461) granting an increase of pension to Agnes Puckett (with accompanying papers); to the Committee on Pensions.

By Mr. FOSTER:

A bill (S. 9462) for the relief of I. C. Johnson, jr.; to the Committee on Naval Affairs.

By Mr. FRAZIER:

A bill (S. 9463) to extend the limits of Shiloh National Military Park (with accompanying papers); to the Committee on Military Affairs.

By Mr. SUTHERLAND:

A bill (S. 9464) for the relief of Lucy L. Bane; to the Committee on Claims.

By Mr. DEPEW:

A bill (S. 9465) to fix the salaries of certain judges of the United States; to the Committee on the Judiciary.

By Mr. BURKETT:

A bill (S. 9466) granting an increase of pension to Lewis B. Musselman;

A bill (S. 9467) granting an increase of pension to David Marquette; and

A bill (S. 9468) granting an increase of pension to Charles H. Kinney; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 9469) to amend an act entitled "An act to amend section 4843 of the Revised Statutes," approved February 9, 1900; to the Committee on Military Affairs.

By Mr. GAMBLE:

A bill (S. 9470) granting an increase of pension to James Rude (with accompanying papers); to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 9471) granting an increase of pension to John W. Mowery (with accompanying papers); and

A bill (S. 9472) granting an increase of pension to William C. Maxey (with accompanying papers); to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 9473) granting an increase of pension to Daniel Higdon; and

A bill (S. 9474) granting an increase of pension to Albert F. Reynolds (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 9475) to grant an honorable discharge to Charles F. Hitchcock, alias Charles Forrest; to the Committee on Military Affairs;

A bill (S. 9476) to increase the pensions of the blind who served in the war with Mexico and the Civil War;

A bill (S. 9477) granting a pension to Robert W. Shaffer; and

A bill (S. 9478) granting an increase of pension to William C. Shaffer (with accompanying papers); to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 9479) granting an increase of pension to Charles L. Hoyt; and

A bill (S. 9480) granting an increase of pension to Michael Farrington; to the Committee on Pensions.

By Mr. FLINT:

A bill (S. 9481) granting an increase of pension to James W. Cox (with accompanying papers); and

A bill (S. 9482) granting an increase of pension to George R. Rogers; to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 9483) granting an increase of pension to Robert A. Blood; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 9484) granting an increase of pension to George Snow;

A bill (S. 9485) granting an increase of pension to Edwin R. Bonnell;

A bill (S. 9486) granting an increase of pension to Herman C. Eversz;

A bill (S. 9487) granting an increase of pension to Seth W. Ewings;

A bill (S. 9488) granting a pension to Libbie McCrady;

A bill (S. 9489) granting an increase of pension to Charles G. Rising;

A bill (S. 9490) granting an increase of pension to William V. Sheets;

A bill (S. 9491) granting an increase of pension to Thomas Driscoll; and

A bill (S. 9492) granting an increase of pension to James McNeil; to the Committee on Pensions.

By Mr. BAILEY (by request):

A bill (S. 9493) for the relief of the estate of N. P. Rooks, deceased (with accompanying papers); to the Committee on Claims.

A bill (S. 9494) granting an increase of pension to Thomas L. G. Hansard (with accompanying paper); to the Committee on Pensions.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. CRAWFORD introduced a bill (S. 9448) to provide for the continued maintenance of agricultural experiment stations by annual appropriations of the increased amount authorized by the act of Congress approved March 16, 1906; which was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. CRAWFORD. In connection with the bill and explanatory of it I desire to present certain correspondence with the office of the Secretary of the Treasury, which I ask be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, December 12, 1910.

HON. COB I. CRAWFORD,
United States Senate.

MY DEAR SIR: I have the honor to acknowledge the receipt of your communication of the 10th instant, in which you request certain information in regard to my decision of the question of appropriations made by the act of March 16, 1906 (34 Stat., 63), for agricultural experiment stations.

In reply, there are inclosed herewith copies of my decisions of April 7, 1906, addressed to the Secretary of the Treasury, and of April 28, 1906, to the Secretary of Agriculture, from which it will be observed that, as I construe said act, the appropriations made thereby expire with the fiscal year 1912, and not the present fiscal year, as intimated in your letter.

Very respectfully,

R. J. TRACEWELL, Comptroller.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, April 7, 1906.

THE SECRETARY OF THE TREASURY.

SIR: In your communication of March 27, 1906, you request an expression of my views upon the questions which you therein present, as follows:

"I have to invite your attention to 'An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof,' approved March 16, 1906, copy inclosed, and in connection therewith to 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862 (12 Stat., p. 503), and to 'An act to establish agricultural experiment stations in connection with colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto,' approved March 2, 1887 (24 Stat., p. 440). 'Relative to the provisions of the act of March 16, 1906, the views of the comptroller are requested, as follows:

"1. The annual appropriation for experiment stations having already been made for the fiscal year 1906 in the agricultural act of March 3, 1905 (33 Stat., p. 881), including appropriations for Alaska, Hawaii, and Porto Rico, does the first annual increase of \$5,000 for each State and Territory become available for the fiscal year 1906, with yearly increase thereafter, as provided in the act, up to the maximum of \$30,000; and does said act of March 16, 1906, provide for a specific annual appropriation from the Treasury for the full sums to be paid each State and Territory?

"2. As Alaska, Hawaii, and Porto Rico appear not to have established colleges for agriculture and the mechanic arts in accordance with

the act of July 2, 1862, yet have established experiment stations under appropriations made annually for several years in the agricultural appropriation acts, does the act of March 16, 1906, apply to those stations?"

The bill reads:

"That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory, for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the act of Congress approved March 2, 1887, the sum of \$5,000, in addition to the sum named in said act for the year ending June 30, 1906, and an annual increase of the amount of such appropriation thereafter for five years by an additional sum of \$2,000 over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be \$30,000, to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States or Territories.

"SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the 1st day of January, April, July, and October of each year by the Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of said experiment stations to receive the same, and such officers shall be required to report to the Secretary of Agriculture on or before the 1st day of September of each year a detailed statement of the amount so received and of its disbursement, on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this act are made subject to legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payment of such installments of the appropriation herein made as shall become due to any State or Territory before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified by the Secretary of the Treasury."

This bill became a law on the 16th of March, 1906. While its language is somewhat obscure on the questions raised by you, yet reading the bill as a whole it appears to be reasonably certain that the first annual increase of \$5,000 therein provided for the agricultural experiment stations for the States and Territories is not available for the present fiscal year 1906. It is found in an independent act, not in a regular annual appropriation bill. It is provided in section 3 of the act "that the sums hereby appropriated * * * shall be annually paid in equal quarterly payments on the 1st day of January, April, July, and October of each year * * *." It would be a physical impossibility to comply with this provision for the present fiscal year.

Section 4 thereof provides:

"That on or before the 1st day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this act and is entitled to receive its share of the annual appropriation for agricultural experiment stations under this act and the amount which thereupon each is entitled, respectively, to receive * * *."

It is apparent from this language that the first payment under the terms of the act should be made to those States and Territories complying with its terms on July 1 next. This will throw the payments for a year all within a given fiscal year, resulting in the payments being made at the beginning of a quarter instead of at its close.

The appropriating clause of the act found in section 1 reads:

"That there shall be, and is hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory, for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the act of Congress approved March 2, 1887, the sum of \$5,000 in addition to the sum named in said act for the year ending June 30, 1906, and an annual increase of the amount of such appropriation thereafter for five years by an additional sum of \$2,000 over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be \$30,000 * * *."

The language "in addition to the sum named in said act for the year ending June 30, 1906 * * *" is evidently used as descriptive of the \$15,000 carried for each agricultural experiment station in the appropriation act for the fiscal year 1906, and not intended to make the appropriation therein provided applicable to the present fiscal year.

If a comma had separated the words "act" and "for," supra, Congress would have evidenced its intent to make the appropriation of \$5,000 carried for the first year to each station applicable to the fiscal year 1906. But the comma is not there. Punctuation may be supplied to make an act intelligible and operative, but should not be supplied by construction when its effect would be to confuse and make a bill wholly or partially inoperative. Such would be the case if the comma were supplied in the language, supra. I therefore answer your first question in the negative.

There is nothing in the act to evidence the intent of Congress to appropriate more than the \$5,000 to each experiment station annually for the period of five years and an annual increase thereof of \$2,000 per year for five years. The agricultural experiment stations in Alaska, Hawaii, and Porto Rico were not established in accordance with the act of Congress of March 2, 1887, but by independent act; hence they do not fall within the class of experiment stations for which the appropriations in this bill were intended.

I therefore have to answer your last question in the negative also.

Respectfully,

R. J. TRACEWELL, Comptroller.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, April 28, 1906.

THE SECRETARY OF AGRICULTURE.

SIR: I have received your letter of the 23d instant, in which you request my decision upon the following question:

"By the terms of the act of Congress approved March 16, 1906, entitled 'An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditures thereof,' is a specific annual appropriation made from the Treasury for the full amounts to be paid each State and Territory under the terms of the act?"

In reply I have the honor to invite attention to my decision of April 7, 1906, to the Secretary of the Treasury, a copy of which decision was sent to you with the Secretary's letter of April 10. In construing the act referred to and upon the question now submitted by you, I said:

"There is nothing in the act to evidence the intent of Congress to appropriate more than the \$5,000 to each experiment station annually for the period of five years and an annual increase thereof of \$2,000 per year for five years."

I do not understand just what is involved in your question. If it is intended to ask if the act makes any permanent annual appropriations, my answer is in the negative. The act does not, in my opinion, make any appropriation for any fiscal year subsequent to the fiscal year 1912. Nor does the act appropriate for any year the \$15,000 per annum referred to in the act of March 2, 1887. (24 Stat., 440.) In my decision of April 7, 1906, supra, the conclusion which is quoted herein indicates that the only appropriations made by the act of March 16, 1906, are, for each State and Territory embraced within its terms and subject to the conditions and limitations stated in the act, the items of \$5,000 for the fiscal year 1907, \$7,000 for 1908, \$9,000 for 1909, \$11,000 for 1910, \$13,000 for 1911, and \$15,000 for 1912.

Respectfully,

R. J. TRACEWELL, *Comptroller*.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. KEAN submitted an amendment relative to the improvement of New York Bay and Harbor, N. Y., from a point at or near Southwest Spit, northwest of Sandy Hook, N. J., through Lower Bay, Raritan Bay, the channel between New Jersey and Staten Island, N. Y., to the channel in Upper Bay, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PENROSE submitted an amendment providing for the construction of additional locks and dams in the Allegheny River, Pa., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. ALDRICH submitted an amendment proposing to appropriate \$25,000 for continuing the improvement of the harbor at Great Salt Pond, Block Island, R. I., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

SPEECH ON IMMIGRATION.

On motion of Mr. LODGE, it was

Ordered, That there be printed 6,000 additional copies of Senate Document No. 423, Sixtieth Congress, first session.

WITHDRAWAL OF PAPERS—LUCIUS C. WEST.

On motion of Mr. McCUMBER, it was

Ordered, That leave be granted to withdraw from the files the papers in the case of Lucius C. West, S. 4942, Sixtieth Congress, first session, no adverse report having been made thereon.

WITHDRAWAL OF PAPERS—FRANCES N. DUNHAM.

On motion of Mr. TALIAFERRO, it was

Ordered, That the papers in the case of Frances N. Dunham, S. 3948, Sixtieth Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

REPORTS OF THE IMMIGRATION COMMISSION.

Mr. DILLINGHAM submitted the following concurrent resolution (S. Con. Res. 39), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound as documents for the use of the Senate and House of Representatives, 4,000 copies of the reports of the Immigration Commission, with accompanying illustrations; 1,000 for the use of the Senate, 2,000 for the use of the House of Representatives, 500 for the use of the Senate Committee on Immigration, and 500 for the use of the House Committee on Immigration and Naturalization; and that there be printed and bound 20,000 additional copies of the abstract of reports of the commission; 5,000 for the use of the Senate, 10,000 for the use of the House of Representatives, 2,500 for the use of the Senate Committee on Immigration, and 2,500 for the use of the House Committee on Immigration and Naturalization.

ELIZABETH A. CLEAVES.

Mr. HALE submitted the following resolution (S. Res. 304), which was referred to the Committee on Appropriations:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Elizabeth A. Cleaves, widow of Thomas P. Cleaves, late clerk to the Committee on Appropriations, a sum equal to one year's salary, at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ANNUAL REPORT OF THE POSTMASTER GENERAL.

Mr. PENROSE. I offer the following resolution and ask for its present consideration.

The resolution (S. Res. 303) was read, as follows:

Resolved, That there be printed and delivered to the Committee on Post Offices and Post Roads 20,000 copies of the annual report of the Postmaster General of the United States for the fiscal year ended June 30, 1910.

Mr. PENROSE. I will state for the information of the Senate that I have investigated the expense of this printing and find that it will be considerably under \$500. It will be a little over \$300, coming therefore within the rule of the Senate.

The resolution was considered by unanimous consent and agreed to.

THE WHITE-SLAVE TRAFFIC.

Mr. DILLINGHAM. I present certain matter bearing upon the white-slave traffic act of June 25, 1910, and its passage through the Senate of the United States, together with the views of the majority and minority of the Senate Committee on Immigration. I move that the matter be printed as a Senate document (S. Doc. No. 702).

The motion was agreed to.

CIVIL GOVERNMENT FOR PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed (S. Doc. No. 703).

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I have the honor to transmit herewith a volume containing the laws enacted by the legislative assembly of Porto Rico during the special session beginning August 30 and ending September 3, 1910.

WM. H. TAFT.

THE WHITE HOUSE, December 13, 1910.

HOUSE BILL REFERRED.

H. R. 22842. An act providing for taxation of and fixing the rate of taxation on inheritances, devises, bequests, legacies, and gifts in the District of Columbia, and providing for the manner of payment as well as enforcing payment thereof, was read twice by its title and referred to the Committee on the District of Columbia.

RULE REGARDING TARIFF LEGISLATION.

The PRESIDENT pro tempore. The morning business is concluded. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 127) to limit the right of amendment to bills introduced to amend an act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Mr. CUMMINS addressed the Senate. After having spoken for some time,

The PRESIDENT pro tempore. Will the Senator suspend one moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. CUMMINS. Mr. President, when I first offered the joint resolution which, as I understand it, is now before the Senate upon a motion to refer it to the Committee on Rules, I had no thought of addressing myself at the present time to its merits. I had expected, after it had been fully considered by the Committee on Rules and reported to the Senate, as I had no doubt it would be promptly, then to ask the indulgence of the Senate for some observations upon its merits. I am led to accompany the joint resolution to the Committee on Rules with a brief remark on account of the suggestion made by the distinguished Senator from Maine [Mr. HALE] at the time I presented it. With the customary richness of his vocabulary he characterized this resolution as—

a very drastic, I might say revolutionary, change of the rule. It would—

Said the Senator from Maine—

on most essential business before the Senate subvert all rules guiding that important business. I do not seek to prevent the Senator from bringing the subject before the Senate in due time, but I think I must insist upon the ruling of the Chair and that the Senator shall proceed under the rule.

I feared that these suggestions made by a Senator who has, and ought to have, very great influence in this body might result in a prejudgment upon the part of Senators, and therefore it seemed to me fit and appropriate that I should at least explain the scope and purpose of the proposed rule. I do not intend to precipitate a tariff debate; I do not know what the result will be; but it is not my object to call into question at this time the merits or the demerits of the tariff law passed in 1909. It is fairly well known, I think, that I believe that many of its duties are excessive and indefensible, but in my judgment the opinion which I hold with regard to the subject I have just mentioned is not material to the consideration of the rule now under discussion. It is, however, material to remember that a great many people in the United States believe that this law should be amended in some respects.

I gave somewhat close observation to the recent political struggle, and to a small degree I participated in it, and I did not hear during the course of the controversy a single utterance, nor did I hear of a single utterance from those who attempted to sustain the cause to which we upon this side of the Chamber are pledged, that did not admit, first, that there were duties in the law that ought to be changed; and, second, that it was the obligation of Congress to speedily make such provision as would enable changes to be made in the existing law.

Upon this foundation, which I think is sound and universal, I state a proposition with which I think every Senator here must agree and concerning which certainly there can be no successful contradiction. It is this: Under the general parliamentary law applicable to the Senate and the House of Representatives and in view of the existing condition of business in the United States it is absolutely impossible to amend a tariff law. Whether it ever has been done I will not pretend to say, for I have not investigated the history of the legislation sufficiently to enable me to make any assertion with respect to it; but I repeat, that under conditions as they are now, taking into account our trade, our commerce, the interrelation, if you please, of the various kinds of business carried on in the United States, governed by parliamentary law which permits amendments without limit, it is wholly impossible practically to amend the present law.

If something be not done, then one of two results must necessarily follow—either the present law will stand as it is, unchanged, unaltered in any respect, until those who believe in the doctrine of protection shall reach the conclusion that there ought to be and must be a complete revision of the tariff law according to the doctrine of protection, or until those who do not believe in the doctrine of protection shall have so successfully waged their campaigns among the people of this country as to be able to substitute for the present law a law composed upon a radically different theory of taxation. One or the other of these consequences will follow. Therefore, as it seems to me, every Senator who believes that we ought to possess the practical and substantial right of amending this statute in accord with the doctrine of protection and every Senator who, even though he believes in some other theory of dealing with this subject, thinks that there are in this law enormities—and I have no hesitation in using the word—that ought to disappear, who thinks that there are duties imposed upon imports that are excessive, ought to favor this rule.

I can understand without any difficulty whatsoever that, viewed simply from a selfish or party standpoint, those Senators upon the other side of this Chamber who believe that the existence of this law, used as a sort of horrid example, will hasten the time when they may have the opportunity and the power to substitute for it a law composed upon the doctrine of duties upon imports for revenue only, can oppose, and will oppose, my proposition that the Congress of the United States ought to be clothed with the practical power of amending this statute; but it is utterly impossible for me to understand how any Senator who believes in the doctrine of protection, but who also believes at the same time that the doctrine should be applied in accordance with the standard which the party to which he belongs has set up for the observance of all its members, can be opposed to this rule.

We ought to have, even considered abstractly, the right to amend this law. It is impossible that there should be a claim made that it is perfect. We know from the utterances of every man who has dealt with it from a friendly standpoint, from the President of the United States to the humblest and obscurest advocate who has enlightened the people from the schoolhouses of the country, that there are mistakes in this law; that there are duties which ought to be reduced; and how it can be successfully maintained that we should stand here inert and helpless, without making an effort to clothe ourselves with the ability to make an amendment, I can not conceive.

I am speaking as one who believes in the doctrine of protection; I am speaking as one who believes that upon imports there should be laid duties that would measure the difference between the cost of producing them in this country and other countries, and I would like to see Congress in such position as that it could preserve this doctrine and maintain this theory, but from time to time, as the occasion might demand, correct or amend the mistakes of 1909. Yet, as it now stands, there can be no amendment, simply because upon the introduction of a bill proposing to amend a single item of the tariff law in the House of Representatives, where all such bills must originate, it can at once be surrounded with the whole body of a tariff law, and that knowledge precludes the consideration or precludes the introduction of any such measure, and we must sit here, confessing that there are changes that should be made and admitting our inability to establish such a rule as will enable us to make them.

I can not understand why it is not desired that this law shall be amended just as all other laws can be amended. I must not be told that abstractly that is true. So it is; but practically it is not true. It is the custom of these parliamentary bodies upon the introduction of bills or amendments upon other subjects not to encumber those amendments with any reforms or any changes in foreign fields of legislation, but that is not true of the tariff; and we all know that if something be not done this law will stand just as it is until the party to which I belong reaches the conclusion that we ought to enter upon a general and complete revision, or the party to which my friends upon the other side belong is clothed with sufficient power to destroy it and substitute for it a law composed upon an entirely different theory.

This, Senators, is the way in which the subjects presents itself to my mind. For one, I intend to do whatsoever I can to bring about such change in the rules as will make it practicable for Congress to consider a single amendment or change, without taking up, to the infinite distress of the business world, the entire subject of the tariff.

With these preliminary observations I pass for a moment to the joint resolution itself, and in order that it may be in the minds of all the Senators, I read a substantial part of it.

That to any bill introduced to amend or change one or more of the paragraphs or items of the act of Congress approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," no amendment shall be in order or allowed which proposes to amend, or the effect of which is to change, any paragraph or item in said act which is not embraced in the schedule containing the paragraph or paragraphs, item or items sought to be amended or changed in any such bill.

The effect of the joint resolution, if adopted by a vote of the Senate and House of Representatives, will be, I take it, substantially as follows: If any Member of the House of Representatives introduces a bill to change an item, then there will be or can be allowed as amendments to that bill proposals to change any other item in that schedule, but no further. If the bill proposes to change items in two schedules, amendments can be permitted embracing the items of the two schedules. If the bill proposes to amend the entire law, then, of course, amendments will be permissible covering the entire subject of our trade and commerce.

Therefore I beg Senators to perceive that there is no attempt to abridge the opportunity to amend any or all parts of the present tariff bill. It still will be in the power of any Member of the House of Representatives or any committee of the House of Representatives—any proper committee, at least—to present a bill for the complete revision of the tariff. It will be in the power of any Member to present a bill for the complete overthrow of the present tariff bill and a substitute for it; but if the Member chooses to confine his bill to one or more items then the right to amend so that the measure will embrace the entire tariff law is denied. This is the substance of the joint resolution.

I am not at all filled with pride as to the phraseology of the joint resolution, or its form. If there is any other way of reaching the result, I shall gladly accept it. All I want to see done is the passage of such a rule as will permit the amendment of any part of the tariff law without drawing to itself the entire field of the tariff.

Mr. ALDRICH. Will the Senator permit me to ask him a question, so as to understand the situation?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. I do so for the purpose of understanding the practical workings of the proposed rule as the Senator from Iowa understands it. Do I understand him to say that if in the House of Representatives, for instance, any individual

Member desires to discuss the whole question, or to have before the House the whole question of tariff revision, or the manner in which it shall be disposed of, all he has to do is to introduce a bill covering the whole subject? Is that what the Senator understands?

Mr. CUMMINS. That is true. The joint resolution, if I may remind the Senator from Rhode Island of the fact, does not touch upon the question of debate. It does not limit debate anywhere at any time. The right of debate in the House of Representatives is, as I have been informed, somewhat limited by existing rules. The right of debate in the Senate is, as I have observed, entirely unlimited, and I have no disposition or desire to limit it in any way whatsoever.

Mr. ALDRICH rose.

Mr. CUMMINS. But, if you will allow me to finish the answer, if the Member of the House introduces a bill for the amendment of a single item in the tariff law, there can be offered to that bill no amendment which will have the effect of changing items not embraced in the schedule containing the item of the bill proposed to be amended. What may happen with regard to debate I do not know.

Mr. ALDRICH. Perhaps I used the word "discuss" inadvertently. What I meant to say was that if a Member of the House desires to have the whole tariff question open beyond any control by the House, all he has to do is to introduce a general tariff bill.

Mr. CUMMINS. Precisely, Mr. President.

Mr. ALDRICH. And it would not be within the power of the House, or a majority of it, to prevent taking up the whole subject for disposition.

Mr. CUMMINS. I will not deal with the power of Congress to limit the right of a Member to introduce a bill or to define its scope. Whatever may be our rights in that respect—and I quite agree with the Senator from Rhode Island—this joint resolution does not attempt any such restriction, nor would I, under any circumstances, favor any such restriction. But, for illustration, if a Member of the House introduces a bill to remove the duty on lumber, no other Member could offer as an amendment to that measure a proposal for the removal of the duty on wool or the duty on steel rails. The House, and afterwards the Senate, would be compelled to confine its consideration, so far as that bill is concerned, and the vote upon that bill, to amendments proposed to the wool schedule, and that is the very object which I desire to accomplish.

Mr. ALDRICH. I perhaps did not explain my meaning fully. The Senator's joint resolution, as I heard it read—an amendment to the rules—applies only to the introduction of bills; not to bills that have been reported from a committee, not to bills adopted by the House, but merely as to the introduction. Now, in the case to which the Senator alludes, if a gentleman desires to put not only lumber on the free list, but a large number of other items, all he has to do is to introduce a bill for that purpose. Then the whole question is before the House, and amendments can not be confined, under the Senator's proposed rule, to any one item.

Mr. CUMMINS. The Senator is mistaken with regard to the joint resolution and its meaning and effect.

Mr. ALDRICH. I hope it may be read again, because I must have misapprehended its purport.

Mr. CUMMINS. It is quite true that there is nothing in the joint resolution which will prevent any Member of the House of Representatives from offering a bill to revise the entire tariff law, but it declares that if any Member does introduce a bill, or if any bill is introduced, whether from a Member or a committee, to change the duty on a particular commodity, that bill at least must be considered by the House of Representatives and afterwards by the Senate without any amendments which may be brought forward to change items in any other schedule than the one embracing the item originally attacked by the bill.

It would enable the House of Representatives to amend any particular schedule, and the real issue here, and we might as well, of course, understand it, is whether we will adopt, if we can, a plan that will enable us to amend the tariff law a schedule at a time.

I use that phrase because it has become very familiar to the people of the United States, inasmuch as it has found its way into I think something like 25 or 26 platforms announced in various parts of the Union by the formerly prevailing party, and whatever is necessary to reach that result I am willing to accept. If the joint resolution can be amended in any way so that we can do what I have proposed, I shall welcome the amendment. If anyone else can suggest any other phrase that

will accomplish the purpose, I shall accept that, so far as I am concerned.

Mr. LODGE. May I ask the Senator from Iowa a question? The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. Certainly.

Mr. LODGE. I understand that this limitation is a limitation of amendment only at the stage of amendments.

Mr. CUMMINS. That is all.

Mr. LODGE. It has no relation to the introduction of bills or what anybody may introduce?

Mr. CUMMINS. None; never.

Mr. LODGE. It applies only when a bill is before the body?

Mr. CUMMINS. The Senator from Massachusetts has stated it with precision.

Mr. ALDRICH. I should like to have the joint resolution read. I do not understand the proposition in that way. I should like to have it read.

The PRESIDENT pro tempore. The Secretary will again read the joint resolution, at the request of the Senator from Rhode Island.

The Secretary read as follows:

Resolved, etc., That to any bill introduced to amend or change one or more of the paragraphs or items of the act of Congress, approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," no amendment shall be in order or allowed which proposes to amend, or the effect of which is to change, any paragraph or item in said act which is not embraced in the schedule containing the paragraph or paragraphs, item or items, sought to be amended or changed in any such bill.

Mr. LODGE. I think as that is worded it might be interpreted to mean that the bill once introduced could not be amended. However, I should have to go over it with more care. But I felt sure that was not the Senator's intention.

Mr. CUMMINS. Certainly not—

Mr. LODGE. But only to limit amendments at the amendment stage.

Mr. CUMMINS. Nor do I think it could possibly have that effect. But, however that may be, the principle is the substance of this controversy, and not the manner in which it shall be expressed. I assume that the joint resolution will, after such debate upon it as may occur, be referred to the Committee on Rules, and if I have not made the matter perfectly clear the eminent Senators upon that committee will do so.

Mr. CARTER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I do.

Mr. CARTER. Before the Senator resumes his seat, I would be glad to have him address himself to the question of the power of the Senate, or of the Senate and the House acting jointly, to abridge the rights of either body as the joint resolution proposes.

Mr. CUMMINS. I may say in response to the Senator from Montana that I hope he will not advance me to the point to which he is now calling attention. I have it upon my brief—if I may be permitted to call it a brief—and I shall address myself to it later.

Mr. CARTER. Very well. I understood the Senator was about to resume his seat. That was the reason I desired to ask him the question.

Mr. CUMMINS. The Senator from Montana ought to have better knowledge of me from experience—

Mr. CARTER. I was somewhat disappointed, I must say, to learn that the Senator was about to resume his seat.

Mr. CUMMINS. I hope the Senator will understand that when I said I would be exceedingly brief, I was either indulging in a pleasantry or using the term in a Pickwickian sense.

Mr. ALDRICH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. Certainly.

Mr. ALDRICH. I hope the Senator from Iowa will not receive my remarks as in the nature of unfriendly criticism. I think we all agree it would be desirable, if it were possible, to take up the tariff by subjects rather than by a general revision. I think "schedules" is too narrow a word. I think if we might take up the question of tariff revision by subjects and have them disposed of, as they should be disposed of, after most careful and scientific examination of all the items and conditions involved, it would be a desirable thing to do. But I doubt very much whether the machinery which is now suggested would be adequate for that purpose, and I think the further question raised by the Senator from Montana is a very serious one. I

think we must agree as to the desirability of doing it as we can and when we can.

Mr. CUMMINS. I am very glad the Senator from Rhode Island is of that view, because that is the substance of the proposition, and as to the manner in which we shall possess ourselves of the substance, we can discuss at our leisure.

Mr. HEYBURN. I should not like to have it go out that we are agreed that it is wise or well to consider the question of the protective tariff policy of the Republican Party by subjects or by schedules, but as a political principle involving the entire question, and I think that is what the real Republicans of the United States stand for.

Mr. CUMMINS. I do not often come to the defense of the Senator from Rhode Island; it is not necessary often to come to his defense; but I did not understand the Senator from Rhode Island, in expressing his view upon the subject, to attempt to speak for all the Republicans of the country, or all the Republican Senators now here.

Mr. ALDRICH. I certainly did not. I have no mandate, that I know of, either from the Republican Senators or from the Republican Party generally. I simply expressed my own views on the question, and I thought they were sympathized with, more or less, by a large number of other gentlemen.

Mr. CUMMINS. I know there are different views upon this matter; but I believe it to be true that those who insist upon the opportunity to revise this law, schedule by schedule, or subject by subject, are in the very large majority, as I think I might easily demonstrate if I were to take up the Republican platforms announced in the present year.

Mr. HEYBURN. Mr. President, where in the present year has any organization or political body the authority to change the principles of the Republican Party as announced in its last platform?

Mr. CUMMINS. Mr. President, I assume that the Republican conventions of each State are authorized to speak for the Republicans of that State, and if it should happen that the Republican conventions of all the States should speak in harmony upon any particular subject, I would be willing to assume that that was the Republican voice. Would not the Senator from Idaho?

Mr. HEYBURN. No; so long as they are not in the forum where the speech is responsible. They are not in national convention.

Mr. CUMMINS. I do not believe it would be very gratifying to the Republicans of my State to hear the suggestion that they are not responsible for what they say upon national questions as well as State questions.

Mr. ALDRICH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. Perhaps I should say in explanation of the remarks I made a few moments ago that while I believe in the general desirability of the plan suggested I am not in favor at this time of trying to impose restrictions or limitations upon the House of Representatives in their power to originate tariff legislation. The people of the United States, wisely or unwisely, have given the Democratic Party control of the House of Representatives by a considerable majority. I am in favor of the Republican Party taking the attitude that they ought not at this time to place any obstacles or restrictions whatever on the exercise of the authority conferred by the Constitution upon the House of Representatives. Whether they shall decide to inaugurate a general revision of the tariff or a revision by schedules, the responsibility is upon them, and so far as I am concerned I do not intend by any word of mine here to try to relieve them of that responsibility, which I venture to hope they will be permitted to use in their own way.

Mr. CUMMINS. Mr. President, I am very sorry the Senator from Rhode Island has brought into this discussion any party spirit. It ought to be just as desirable to the Senators on the other side of the Chamber that such a rule should exist as it should be to the Senators who sit upon our side of the Chamber. There is nothing in this rule, if adopted, that would in any wise restrict the members of that party from bringing forward just such tariff bill as they think ought to be brought forward; and if they do come into the possession of Congress and do pass a tariff law in accordance with their views, they ought to desire the opportunity to amend that law from time to time without undertaking a full and complete revision. It is just as fair to one political organization as the other.

I remember too the Senator from Rhode Island has intimated, although he did not intend it I am sure, that I am seeking, consciously seeking, to deprive the House of Representa-

tives or the Senate of a right conferred upon them or either of them by the Constitution of the United States by a joint rule. I hope the Senator from Rhode Island does not believe I would consciously at least undertake so foolish a task. He can not think so.

Mr. ALDRICH. Oh, no; certainly not, Mr. President. My only fear was, and it is a very serious one, that if this joint rule should be adopted as presented and was carried out it would result in a curtailment of the constitutional prerogative of the House of Representatives and, possibly, a curtailment of the constitutional prerogative of the Senate.

Mr. BACON. I should like to ask the Senator how he proposes to dispose of that provision of the Constitution, the fifth section of the first article, which says:

Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, etc.

I do not see how that can be restricted in any way by one House so as to affect another House. The same rule applies to the Senate.

Mr. CUMMINS. It could not; but the two Houses together can enact a rule that will govern the proceedings of both. It has often been done, and I think without any question about either its propriety or its constitutionality.

Mr. BACON. But the fact that it has been done would be no argument unless it can be shown that it has been constitutionally done.

Mr. CUMMINS. Precisely.

Mr. BACON. There is a plain provision of the Constitution which gives to each House the right to determine its rules of procedure. This is certainly a proposition to restrain it, to restrict the House in the determination of its rules of procedure, and to determine it not by the House itself, but by a law which shall control the House.

Mr. CUMMINS. The substance of the suggestion of the Senator from Georgia is, I take it, that under the constitutional provision which he has mentioned any order, resolution, or rule which affects the proceedings in either House must be adopted by the Houses separately.

Mr. BACON. Undoubtedly.

Mr. CUMMINS. I do not so understand it.

Mr. BACON. It may be true that for the Congress to pass a law which affects all the procedure in a House would be in effect that the House agreed to it; but the right does not only exist to make a regulation, but it exists to change a regulation, and when we pass such a law, although the House may agree to the passage of the act, it takes away from the House the right on its own motion, without consulting the Senate, to change it. Therefore it destroys the right.

Mr. CUMMINS. The proposition, I take it, therefore, is that under the Constitution there can be no joint rule that governs the proceedings of the two Houses.

Mr. BACON. I did not say the proceedings of the two Houses, but the proceedings of either House. The proceedings of the two Houses are proceedings which they take jointly, for instance, when they meet to count the electoral votes, but in their ordinary legislative capacity each House proceeds in its own way and upon its own responsibility and reaches its own conclusions; and they must agree before ever their conclusions can take the form of law, so far as the general law is a conclusion. When it comes to the rule of procedure, the Constitution is as plain as words can make it that the right belongs to each House, and belongs to each House separately; and if they jointly undertake to prescribe rules, they necessarily take away, so long as that remains the law, if it is a constitutional law, the opportunity and the power of either House to carry out its constitutional privilege of determining what shall be its method of procedure.

Mr. LODGE rose.

Mr. BACON. Now, if the Senator from Massachusetts will pardon me just a moment, I do not desire to unduly interrupt the Senator from Iowa, but I wish to make another suggestion in this connection. The Senator speaks of the opportunity which will be given in the House under this joint resolution, if it should be adopted by the two Houses and receive the signature of the President and become a law, to attempt to broadly change the tariff law; in other words, that while one Representative might introduce a bill which affected only one schedule, it would in no manner affect the right or the privilege of any other Member to introduce a bill which would affect all schedules. That is true as to the House, but that would not be true when it came to the Senate. The effect of the Senator's resolution would be to bind the Senate in a degree to which the House would not be bound, because we can not originate a bill with respect to the revenue. Therefore we would be limited in

our opportunity to amend the tariff law exclusively to the particular schedule which the House might send here. The House would have the opportunity, under the statement of the Senator himself, to go broadly into the subject without being limited as to any particular schedule.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. In just a moment. The last suggestion made by the Senator from Georgia that it arises from the constitutional provision that bills of that character must originate in the House of Representatives, I shall presently show, I think, that this rule, so far from abridging what I believe to be the rights and privileges of the Senate, does not confine the Senate to the constitutional point. But that I will treat later, and I will also before I finish take up the suggestion that the two Houses acting jointly are incapable of prescribing rules which govern their procedure. I now yield to the Senator from Massachusetts.

Mr. LODGE. I merely wanted to state, in connection with the point made by the Senator from Georgia, that his objection seemed to me to go to the control of the action of both Houses by joint resolution or by law. I do not suppose the Senator from Georgia would suggest for a moment that each House in regulating its own procedure can not prescribe the mode or define or limit the number or the character of amendments, each House for itself.

Mr. BACON. I think so, most undoubtedly. What I said was wholly by way of illustration, that if we were to pass a law which would be in the shape of a statute or joint resolution, necessarily we would abridge and nullify the provision in the Constitution which gives to each House the unlimited power to do that which the Senator from Massachusetts now suggests.

Mr. LODGE. I only wanted to bring out the point, which seems an important one, of distinction between the method and the principle involved. The question which I understand underlies the resolution of the Senator from Iowa is whether we are to have power in this body to deal with one schedule or one paragraph, or one subject in the tariff act at a time, without opening it to amendments reaching every phase of the tariff. I believe some method could be devised to meet that precise difficulty, and after an experience of five tariff revisions I think something ought to be done in that direction. I do not mean to interrupt the Senator further, for I shall take occasion to say something more on this subject later.

Mr. BACON. With the permission of the Senator from Iowa, I desire to state, in response to the suggestion of the Senator from Massachusetts, that undoubtedly the Senate has a right to pass a rule like that, if it sees proper to do so. I should very much deprecate the action of the Senate in strangling itself in any such way. This is a very high council. It is a little more than an ordinary legislative body or branch of the legislative department. We sit here in a very much higher capacity than that of ordinary legislators. We are here as the representatives of separate States, as councillors representing sovereignties. If the Senator will pardon me a moment, from the foundation of the Government it has been recognized that in this small body, with the great responsibilities which rest upon us, with the great representation which we here personify, there should be absolute freedom of discussion, absolute freedom of procedure, and, I think, that this would be in its nature one of the most objectionable proceedings in restricting such freedom of procedure.

Mr. LODGE. If the Senator from Iowa will allow me—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. I do.

Mr. LODGE. Our rules are full of limitations on our power of amendment at this moment on appropriation bills, and have been for years.

Mr. BACON. Oh, yes.

Mr. LODGE. If we can limit the right of amendment and prescribe what amendments shall be received on appropriation bills, of course we can do it on any other bills if we see fit.

Mr. BACON. There are no limitations upon the power of amendment in appropriation bills which cut off the right or the opportunity to bring before the Senate in some way any amendment which may be desired. For instance, an amendment upon an appropriation bill can be introduced here, if first sent to the Committee on Appropriations.

Mr. LODGE. The Senator forgets that there are certain classes of amendments absolutely excluded.

Mr. BACON. Of course, if not germane.

Mr. LODGE. No; private claims.

Mr. BACON. That does not relate to the subject matter at all.

Mr. CUMMINS. I hope the discussion will not drift too far.

Mr. LODGE. I beg the Senator's pardon.

Mr. BACON. I will not further interrupt the Senator from Iowa.

Mr. CUMMINS. It must not be understood, because I pass the question just at this moment, that I concur in the view of the Senator from Georgia with regard to the construction of section 5, Article I, of the Constitution. I read it again:

Each House may determine the rules of its proceedings.

The proposition of the Senator from Georgia is that this power, if you please, can not be exercised through the medium of a law, or joint resolution, or concurrent resolution, but that it must be exercised by each House acting separately. I do not concur in or assent to that interpretation of the Constitution. I insist that while it does require the assent of each House to determine or provide for a rule which shall govern its procedure, nevertheless it may give that assent and be bound by that assent in a joint resolution or a law which shall govern at the same time the procedure of the Senate.

Mr. BACON. Will the Senator pardon me for an inquiry?

Mr. CUMMINS. Certainly. I intend to argue that question a little later.

Mr. BACON. I will not interrupt further except to ask one question. Does the Senator think that the House can, by any action, surrender its constitutional right and power?

Mr. CUMMINS. It can not.

Mr. BACON. Very well.

Mr. CUMMINS. It certainly can not surrender a constitutional duty.

Mr. BACON. Or a constitutional power?

Mr. CUMMINS. I am not prepared to say that it can not surrender a constitutional privilege.

Mr. BACON. I utterly disagree with the Senator. I do not think the House can surrender a constitutional power or a constitutional privilege.

Mr. CUMMINS. If I were to agree with one conclusion the Senator reaches the other would not to my mind follow.

Mr. BACON. I want to suggest this as a reason why it would follow. If I am correct in my view of what is constitutional, it is the power and privilege of the House itself, without restriction, to make all of its rules of procedure. Now, if it enters into a contract, if you please, with the Senate by agreeing to a joint resolution to the effect that there shall be a certain procedure, which shall thereafter not be changed unless the law is repealed, which requires the consent of the Senate before that method of procedure can be changed by the House, it necessarily surrenders its power and gives it to be exercised not by itself, but only in conjunction with another House, and by the consent of another House.

Mr. CUMMINS. On the contrary, the House in assenting to a resolution such as this exercises its privilege. It does not surrender its privilege. I do not agree that each House must be at liberty to disregard every act of a former House, even though that act was authorized by the Constitution. Every act of the House is authorized by the Constitution, or it would not be valid. This phrase in the Constitution says that—

Each House may determine the rules of its proceedings.

There is nothing which indicates to me that when it once exercises that power of privilege it may not exercise it in such a way that in the future the consent of the Senate may be required to change it.

Mr. BACON. I do not think I can make that any plainer than I have already suggested.

Mr. CUMMINS. The position of the Senator from Georgia is perfectly clear. I only dissent from his construction of this phrase or clause of the Constitution.

Mr. BACON. I can not agree with the Senator in any particular as to his conclusion.

Mr. ALDRICH. Mr. President, I am anxious to find out something about the Senator's idea of the practical working of this rule. How is it to be enforced? For instance, suppose the House of Representatives passes a bill placing all food products on the free list and sends it to the Senate. It puts everything in the agricultural schedule on the free list. A majority of the Senate believe that that would be an unjust discrimination against a particular section, and they try to amend it by putting manufactured products of some kind upon the free list. Would there be any way in which this could be done? Suppose the Senate makes an amendment, notwithstanding the rule, and a majority of the Senate rules it in order, notwithstanding the joint rule, what is to happen? Is the act

to become void because the Senate has transcended a joint rule?

Mr. CUMMINS. The Senator from Rhode Island simply suggests revolution. He suggests an instance in which the Senate refuses to be bound by the law or by its own rule, and what the consequences of such a refusal might be it is not necessary for me to inquire. I do not anticipate that any such instance will occur.

Mr. ALDRICH. I think the Senator from Iowa has been in the Senate long enough to know that the Senate usually, or at least sometimes, decide questions of order as they would like to have them decided for the time being, and I suppose there is no way ordinarily of going back of such decision. They can interpret their own rules as they see fit, and this is a question where it is an interpretation of the joint rules. I am making this suggestion as while we might all of us agree—we do not all agree—the Senator from Idaho says that it was desirable to take up this question of the revision of the tariff by subjects rather than as a whole, I have a fear I may change my mind after hearing the Senator from Iowa further; that the only way to accomplish that is by concurrence and assent for the time being of the majority of each of the two Houses, and not by any rule. It seems to me that is about the only way in which this thing can be done, and that we shall waste our time in trying to establish artificial rules for the government of future Congresses or future Senates or future Houses of Representatives.

Mr. BACON. Mr. President, if the Senator will pardon me, I shall not again interrupt him upon this point at least.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I do.

Mr. BACON. In order to make my proposition complete, I simply desire to call the attention of the Senator to the fact that not only in the passage of a law which would control the rules of the House would the House be surrendering its independence in the control of the rules of its procedure to the extent of thereafter being dependent upon the consent of the Senate, but in the passage of such a law it would also surrender it to the extent of being dependent likewise upon the consent of the President, who would be required to approve a bill repealing that law, a thing absolutely and utterly at war with all our principles of government, the theory upon which it is founded, and the design that its departments shall be kept separate and that each shall proceed in its own way to perform its constitutional duties.

Mr. CUMMINS. Mr. President, whenever the House of Representatives passes a law upon any subject whatever, it surrenders its privilege to destroy that law by its own act or prevent the operation of that law by its own act. Every act of legislation so unites the House to the Senate and the Senate to the House and both to the President of the United States that it can only be overturned by the passage of some subsequent act.

Now, I reply to the Senator from Rhode Island [Mr. ALDRICH]. If it is not possible to adopt such a plan or such a rule as will bring about the result which he says he desires to bring about, then, of course, we must submit; but he assumes in advance that it is not possible. It seems to me that he ought to look upon the question from a more friendly standpoint and inquire with very great care whether it be not possible.

The suggestion that at a given time the object could be accomplished by the acquiescence of a majority of the House and of a majority of the Senate is obviously impracticable, because unless there is a leadership that amounts to absolute domination there never can be found any such concurrence as will allow one schedule or one subject of the tariff law to be amended without drawing in other subjects. For instance, my friend the Senator from Idaho [Mr. HEYBURN] has opinions and convictions so decided and so emphatic upon this point that I think the Senator from Rhode Island will agree that no party harmony or party spirit could ever effect any such result with men like the Senator from Idaho in the Senate. I add that I believe in that independence of conviction and independence of action, and I should be sorry if we ever shall be driven into a condition where, in order to accomplish a wise purpose, we must have absolute unanimity upon a subject like this. Therefore let us go forward with open minds to see whether we can not find some way in which it can be done. Nor am I willing to found the rules of the Senate upon the hypothesis that at any time, under any circumstances, will Senators violate their consciences and declare an amendment to be in order that, under the plain and obvious provisions of the rules, is not in order. If that has ever occurred, it ought to be forgotten, and we ought to make sure that it never again will occur.

Mr. BEVERIDGE and Mr. HEYBURN addressed the Chair. The PRESIDING OFFICER. To whom does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Indiana [Mr. BEVERIDGE], who has been waiting for some time.

Mr. BEVERIDGE. Will the Senator from Iowa permit me to propound a question to the Senator from Rhode Island?

Mr. CUMMINS. I yield to the Senator from Indiana for that purpose.

Mr. BEVERIDGE. The Senator from Rhode Island a moment ago suggested—and I wondered then what its significance could be—that in case we took this matter up it should be by subjects instead of by schedules. Then a little later the Senator pointed out the impossibility as a practical matter of dealing with the tariff if it was dealt with by subjects instead of by schedules. For illustration, he said, suppose under the subject of food products the other House should send us a bill, and we would be confined to that subject of crude food products, and we should want to amend it merely in reference to manufactured food products. So the impracticability of the Senator's suggestion was pointed out most clearly by himself. I wish to ask the Senator whether now, on mature reflection, he being of the opinion, as he stated, that something of this kind should be done, if he does not think that it would not be better to deal with this matter as proposed by the Senator from Iowa, by schedules instead of by subjects?

The Senator gave one very clear illustration. I will suggest another. Suppose the House of Representatives, instead of sending us a bill dealing with Schedule K, wool, were to send us a bill dealing with the subject of clothing. That would take in the cotton schedule, the wool schedule, and anything else affecting that general subject of clothing. Those two illustrations are sufficient to show the impracticability of that suggestion. That being the case, would not the impracticability pointed out so clearly by the Senator from Rhode Island as to dealing with this matter by subjects, as suggested by himself, be largely obviated by dealing with the matter from the point of view of schedules, as proposed by the Senator from Iowa? For example, under that we could deal with the subject of wool, and wool alone, and not be bothered by the whole subject of clothing; then of cotton, and cotton alone; or we could deal with sugar and molasses, and manufactures thereof, as proposed in Schedule E, and that alone. Whereas if we dealt with sugar, for example, if we were trying to reach sugar and we did it only under the subject of food products, then, of course, the difficulty of that would become apparent. So, if the Senator from Iowa will pardon me—for this is rather a long interruption—I ask the Senator from Rhode Island, in view of his own illustration, whether he does not now think that his suggestion of dealing with this by subjects, instead of by schedules, is not a much worse and more impracticable proposition, even to his own mind, than that proposed by the Senator from Iowa? If so, the debate is narrowed down to the proposition of dealing with the matter by schedules and becomes, as everyone will see, much more clear because much more limited.

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. I do.

Mr. ALDRICH. Mr. President, the Senator from Indiana entirely misapprehended my proposition. Of course, we never deal in actual legislation by subjects; we never pass a bill to put food products, without designation, upon the free list.

Mr. BEVERIDGE. I know; but that was the Senator's proposition, as the Record will show.

Mr. ALDRICH. What I mean is, of course, that we would put certain articles, including different kinds of meats and wheat, corn, and barley, upon the free list—everything, in fact, that comes within the designation of food products—not by the general designation of food products. Of course, we never deal in tariff legislation with general designations; it must be with specific articles. But my reason for suggesting subjects was that all the items, practically, or very largely so, of a tariff bill are interrelated. You can not undertake to fix absolutely the duties on all the articles without reference to other articles. Take sundries, for instance; take the free list; take any of the great schedules, and there are hundreds of items and articles that are dealt with in those schedules that can not be changed to any great extent without necessitating amendments to other schedules. What we are after, I take it, is that related subjects or related items should be considered. I suppose that is what the Senator from Iowa has in mind.

Mr. BEVERIDGE. Mr. President—

Mr. CUMMINS. Let me answer the Senator from Rhode Island, and then I will yield to the Senator from Indiana. I

have taken the schedules as the basis, because I believe the classification—for which the Senator from Rhode Island is as much responsible as any Senator, and more—is a very wise one and a very complete one. I understand perfectly that there might be instances in which it would be very desirable to pass beyond the schedule to some other item, but, balancing up the advantages of amending by schedule and the disadvantages of withholding any amendments until there can be a complete revision, I think the balance is altogether in favor of amending by schedule.

Mr. ALDRICH. That brings to mind another illustration. Suppose, for instance, the House of Representatives, hides being now upon the free list, should pass an amendment to the free list putting a duty of 15 per cent on hides—the old duty. Would any Senator think that we ought not in that case perhaps to increase the duties upon boots and shoes?

Mr. CUMMINS. I would say at once that we ought not.

Mr. ALDRICH. Or change the duties on boots and shoes?

Mr. CUMMINS. I would say we ought not.

Mr. ALDRICH. That is it exactly.

Mr. CUMMINS. But I suppose the Senator from Rhode Island would have a different view of it.

Mr. ALDRICH. Suppose we should put a duty of 50 per cent on hides.

Mr. CUMMINS. We might then want to change the duties on boots and shoes.

Mr. ALDRICH. Well, would it not be proper, certainly, that we should consider the products of hides in connection with the legislation?

Mr. CUMMINS. That is merely, I think, a fanciful objection, because if one Member of the House should introduce a bill to put a duty of 50 per cent upon hides, I have no doubt that another Member interested in boots and shoes would introduce a bill to increase the duty upon those articles, and ultimately the House and the Senate would have the opportunity to consider both, and I think they would have the opportunity under conditions much better than now attend a general revision of the tariff.

Mr. ALDRICH. Would Senators have the same rights as Members of the House?

Mr. CUMMINS. To do what?

Mr. ALDRICH. To offer bills to amend.

Mr. BEVERIDGE. No.

Mr. CUMMINS. Certainly not.

Mr. ALDRICH. Why not?

Mr. CUMMINS. Because the Senate has no right to originate bills to raise revenue. The Constitution forbids.

Mr. ALDRICH. Is the proposed joint rule to apply in one way in the House and another way in the Senate?

Mr. CUMMINS. Unfortunately for the Senate, certainly; but whether fortunately or unfortunately for the country I do not say. No Senator has the right to introduce a bill for the purpose of raising money.

Mr. ALDRICH. But he has a clear right under the Constitution to introduce a bill in the form of an amendment to a tariff bill which comes from the House.

Mr. CUMMINS. I do not agree to that, and I will come presently to it.

Mr. BEVERIDGE. He has, after the bill gets here.

Mr. CUMMINS. I know that some of my brothers who are very strongly in favor of my joint resolution will not agree to all my opinions upon this subject. I do not think that the Senate has morally or constitutionally any right to build up a tariff law about a bill that comes from the House touching a single article or commodity.

Mr. ALDRICH. I think the Senator is going out upon an ocean that has no limit when he makes that proposition.

Mr. CUMMINS. If I find the port into which I—

Mr. ALDRICH. I am inclined to think that he will find very few Senators who will agree with him in that proposition.

Mr. CUMMINS. If I find the port into which my vessel is anchored infected with some dangerous disease, I will sail out, whether I sail into an open ocean or into a closed ocean.

Mr. HALE. The Senator will find that.

Mr. ALDRICH. I think the Senator is likely to stay in the open ocean on that proposition.

Mr. CUMMINS. Mr. President, I know just exactly what the Senator from Rhode Island means. I think, however, that even he will live to see a time when the people of this country will demand in such form that can not be denied the privilege of dealing with the tariff, subject by subject or schedule by schedule. We are now pointing the way; and it seems to me that Senators who believe in the general object to be accomplished ought to help try to find the way, instead of placing all manner of obstructions in the path.

Mr. ALDRICH. Mr. President, I think, upon consideration, the Senator from Iowa will see that that observation was not quite fair under the circumstances. He was announcing the doctrine that the Senate had not a right to the fullest extent to amend a tariff bill which came here from the House of Representatives. That was the thing I was talking about. I think he will find very few men in this body who would be willing to agree with him on that subject.

Mr. CUMMINS. Possibly we can change them, however—

Mr. ALDRICH. Possibly; yes.

Mr. CUMMINS. Because I intend to cite presently some opinions from very eminent gentlemen upon that subject. It is true that when they rendered these opinions they were Members of the House of Representatives; but many of them afterwards became Members of the Senate, and I assume that they did not change their opinions with regard to the Constitution because they were transferred from one end of the Capitol to the other.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I do.

Mr. BEVERIDGE. Mr. President, the Senator from Rhode Island suggesting, first, that it would be better, if this could be done at all, to have it done by subjects instead of by schedules, a few minutes later pointed out the impracticability, if not the impossibility, of doing it by subjects. He did it very clearly. I then asked whether it would not narrow it and make it more easy to do it by schedules as proposed by the Senator from Iowa. The Senator from Rhode Island then pointed out that it would be impracticable, if not impossible, to make one amendment to either a subject or a schedule without dealing in some correlated subject. Now, I want to ask the Senator if it would not be possible, in case the proposed joint rule should be adopted, to deal with the revision of Schedule K, the wool schedule, without changing any other portion of the tariff at all? For example, what has Schedule K, the duty on wool, to do with the duty on wood, or the duty on paper, or the duty on anything else? I understand—it has been stated at least by very eminent authority—that the Senator from Rhode Island thinks that the wool schedule should be changed, and that so far as he was concerned he would have been glad to have seen it changed at the time the bill was pending. If this rule, so ably urged by the Senator from Iowa, should be adopted by both Houses, and therefore become a law governing their action, would it not be possible to change this one schedule without changing anything else?

Mr. ALDRICH. I think the Senator uses a very good illustration. In the first place, neither his eminent authority nor he himself has any right to speak about my view on this subject.

Mr. BEVERIDGE. I withdraw that then—

Mr. ALDRICH. In the next place, the wool schedule is a very good illustration of just what I mean.

Mr. BEVERIDGE. That is to say, unless the Senator says that what has been stated is not true and that he does not favor a change of the wool schedule.

Mr. ALDRICH. I am not on the witness stand at the present time.

Mr. BEVERIDGE. I am not trying to examine the Senator, but—

Mr. ALDRICH. There are in the silk and other schedules provisions in regard to articles partly of wool, partly of silk, or other materials, which it would be necessary to change if wool should be put on the free list and the duties on woolen goods largely reduced; that is, unless we are to have the anomalous condition of a different duty upon an article of mixed materials than upon an article composed entirely of wool.

Mr. BEVERIDGE. Then the Senator thinks it should be by subjects rather than by schedules?

Mr. ALDRICH. I think if we are trying to get at this matter in a practicable way we must consider the possibility of changing other schedules than the one which is under consideration at the time. I am talking about this matter from a practical standpoint. I am not making these suggestions with a view of embarrassing the Senator from Iowa. I think I have the same purpose he has—to see if we can get at this matter in some practicable way.

Mr. BEVERIDGE. Will the Senator permit me for a moment? The Senator points out that we can not do it by schedules, and suggests subjects. Then he very clearly points out that to revise it by subjects would be impracticable. So the Senator, while saying that he is in sympathy with the plan, points out that under either possible mode of procedure the plan is not practicable. That being true, the Senator is against the plan.

Mr. CUMMINS rose.

Mr. ALDRICH. The Senator from Indiana three or four times—

The PRESIDING OFFICER. To whom does the Senator from Iowa yield?

Mr. ALDRICH. I will take but a second.

Mr. CUMMINS. Very well.

Mr. ALDRICH. The Senator from Iowa says that I have demonstrated three or four times that it is impracticable to take up the revision of the tariff by subjects. I have simply pointed out the difficulties in certain cases.

Mr. BEVERIDGE. I say the Senator tried to.

Mr. ALDRICH. I think when he comes to read the debate he will be satisfied that is not the case.

Mr. BEVERIDGE. That often appears to be the case.

Mr. CUMMINS. I have been much interested in this debate, in which I have been somewhat of an outsider, but I pause again long enough to remark that it would be utterly impossible to adopt any rule that would provide for the limitation of amendments to subjects—

Mr. ALDRICH. Unless you should say "amendments that were pertinent."

Mr. CUMMINS. Somebody must then decide what is the subject or what subjects are so related to the subject as to make the amendment a proper one. That gives no guide whatsoever, save the opinion of the presiding officer, whomsoever he may be.

Mr. ALDRICH. Oh, no. The Senate itself would decide that question by a majority vote.

Mr. CUMMINS. We have classified the subjects of the tariff. I think it has been fairly well done, and while I acknowledge frankly that there would be some friction in the application of this rule—that is to say, there might be some inconsistencies between the duties as they would remain after they were amended "schedule at a time"—yet it is so much better than the existing condition, by which we are precluded from amending the law at all, that I think the Senator from Rhode Island, having this same object in view, ought to be willing to undergo some of the inconveniences, possibly the injustices, that would come from the application of the rule, in view of the immensely greater injustices which come from the prohibition against any amendment whatsoever.

Now I come to the point of the rule as applied to the Senate. I have not been a Senator long enough to become imbued with that intense pride which the Senator evidently thinks fills the minds of this body. I think that Senators desire to exercise the powers which are granted to them by the Constitution, and that they have no desire to invade, even if they have the power to do it, the privileges, the rights of the House of Representatives as granted by the Constitution. I believe that the Senate is denied the rightful power—and I make a distinction there between power and rightful power, because I realize that if the power be exercised by the Senate the only remedy is through the refusal of the House of Representatives to assent to our usurpation of power—I believe that the rightful power of the Senate is confined to amendments which touch the very objects proposed by the House, and which touch no other objects; and I have been taught that this is the rightful view of the subject by most illuminating debates in the House of Representatives.

The Constitution provides:

All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills.

My joint resolution provides that the Senate shall not amend a bill that is brought here from the House of Representatives for the purpose of raising revenue further than to draw into it such other duties and articles as may be embraced in the schedules in which the article sought to be affected is found.

I submit that this does not narrow the privileges or the rights of the Senate to the point required by the Constitution; and therefore when we adopt this joint resolution, no matter what its fate may be in the House, we are not abridging any right or privilege held by ourselves.

Now, mark you, I am not unfamiliar with the fact that there have been times when the Senate has exercised the power or right, if it may be so called, to build up a tariff law upon a most slender foundation presented by the House. I think that was done, as the Senator from Rhode Island [Mr. ALDRICH] mentioned personally to me this morning, in 1883, when the House did not resent the usurpation. The House accepted the work of the Senate; I mean accepted its work so far as its constitutionality was concerned. But that was not always true. In 1872 the House of Representatives passed a bill changing the duty upon tea and coffee, and those two subjects alone

were involved in the measure. The bill came over to the Senate and the Senate by amendments surrounded that bill with a complete tariff law, embracing every object that could fairly be brought within a tariff law, and, as I remember it, also added a series of administrative features concerning the execution of the law.

The bill so amended passed the Senate—it is a misnomer to call such things amendments. I know it is the parliamentary law, drawn from the practices of the House of Commons, that anything can be added to any bill. If it were not for the rules of the Senate you could add a tariff bill to an appropriation bill; you could add a measure for the control of the railways or of the trusts to a pension bill. If we were disposed to do it in the Senate now, we could do it. There is nothing in the rules of the Senate and there is nothing in parliamentary law that would prevent the antitrust bill or the railway regulation bill from being proposed as amendments to any pension bill that might be reported from the Committee on Pensions by the Senator from North Dakota. Fortunately we are not in the habit of dealing with subjects in that way. If we were, if that were to become the habit, and it were known that every pension bill would be encumbered with such extraneous and foreign propositions, it would not be long before, by the rules of the Senate and House, such amendments would be prohibited.

So this bill to which I have referred, and which came over to the Senate, passed back to the House, and Mr. Dawes, a very distinguished Representative from Massachusetts, proposed this resolution:

Resolved, That the substitution by the Senate, under the form of an amendment, for the bill of the House (H. R. No. 1537) entitled "An act to repeal existing duties on tea and coffee," of a bill entitled "An act to reduce existing taxes," containing a general revision, reduction, and repeal of laws imposing import duties and internal taxes, is in conflict with the true intent and purpose of that clause of the Constitution which requires that "all bills for raising revenue shall originate in the House of Representatives," and that therefore said substitute for House bill No. 1537 do lie upon the table.

And be it further resolved, That the Clerk of the House be, and is hereby, directed to notify the Senate of the passage of the foregoing resolution.

Thereupon Mr. Dawes submitted to the House a most interesting and, as I think, a most conclusive argument; and I may say that there was no difference of opinion or little difference of opinion in the House, no matter to what party the speaker might belong. There seemed to be such universal concurrence as to give the act of the House the color and complexion of an unprejudiced conclusion, so far as party interests were concerned. I do not read from Mr. Dawes, but I wish to read a few lines from the statement of Mr. Garfield, who afterwards became a member of this body and who, as you all know, afterwards became the President of the United States. He said:

What, then, is the reasonable limit to this right of amendment? It is clear to my mind that the Senate's power to amend is limited to the subject-matter of the bill. That limit is natural, is definite, and can be clearly shown. If there had been no precedent in the case, I should say that a House bill relating solely to revenue on salt could not be amended by adding to it clauses raising revenue on textile fabrics, but that all the amendments of the Senate should relate to the duty on salt.

To admit that the Senate can take a House bill consisting of two lines, relating specifically and solely to a single article, and can graft upon them in the name of an amendment a whole system of tariff and internal taxation, is to say that they may exploit all the meaning out of the clause of the Constitution which we are now considering and may rob the House of the last vestige of its right under that clause.

I am sure that this House, remembering the precedents which have been set from the First Congress until now, will not permit this right to be invaded on such a technicality.

Now, I will not say, for I believe it can not be held, the mere length of an amendment shall be any proof of invasion of the privileges of the House. True, we sent to the Senate a bill of three or four lines, and they have sent back a bill of 20 printed pages. I do not deny their right to send back a bill of a thousand pages as an amendment to our two lines. But I do insist that their thousand pages must be on the subject-matter of our bill. It is not the number of lines, nor is it—I now respond to my friend from Maine [Mr. Peters], who asked me a question—nor is it the amount of revenue raised or reduced of which we have a right to complain. We may pass a bill to raise \$1,000,000 from tea and coffee. The Senate may move so to amend it as to raise \$100,000,000 from tea and coffee, if such a thing was possible; or they may so amend it as to make it but \$1 from tea and coffee, or they may reject the bill altogether.

These are the views of a great student, not only of the Constitution, but of the rights and privileges of both the House and the Senate.

The debate is full of most instructive and most interesting illustrations and arguments. I read one more, and I read it because it is the utterance of the Senator from Maine [Mr. HALE], who was then a distinguished Member of the House, as he is now a distinguished Member of this body. I take it that his opinion with regard to this important subject has not changed in the meanwhile, because he seems to have reached the conclusion here announced after the greatest deliberation and study. He said:

Mr. Speaker, the position the House is evidently disposed to take on this grave question is not one of mere technicalities. The restriction

in the Constitution is one of the gravest importance embodied in that instrument, as has been stated by the gentleman from Massachusetts [Mr. Dawes] and the gentleman from Ohio [Mr. Garfield], in order to counterbalance the power of the Senate. Now, this restriction as to the right of originating revenue bills is worth nothing to the House unless it carries with it—and it seems to me this is the force of the restriction—a limitation of the right of the Senate to amend. The House has the sole right of originating revenue bills. If that right is good for anything, it must carry with it the right of selecting the objects upon which revenue is to be raised, and if that is the force of the privilege given to the House, then the privilege of amendment must necessarily be restricted to the subject matter which the House has selected and embraced in its revenue bills; so that, to my mind, the answer to the question put by my colleague [Mr. Peters] is clear and distinct, the construction is literal, that any amendment of the Senate must be confined to the subject matter selected by the House in the exercise of its prerogative as the popular body, and to the objects of taxation which it has embraced in its revenue bill.

Mr. HALE, then a Member of the House, then proceeded to refer with great clearness to the arguments of Mr. Clay with respect to the matter. I follow this debate along until I reach the vote, and then I find the question was taken, and there were—yeas 153, nays 9, not voting 78.

Mr. ALDRICH. Mr. President—

The PRESIDENT pro tempore. Will the Senator suspend one moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. ALDRICH. Do I understand the Senator from Iowa to agree to the contention of the Senator from Maine and the Member from Ohio in regard to this matter?

Mr. CUMMINS. I do. I believe the right given by the Constitution to the House to originate revenue bills is of no value whatsoever unless it be accompanied by an interpretation or construction such as was put upon it by the House in 1872, led by the distinguished statesmen whose names I have given to the Senate. I realize, of course, that the precedent there established has been ignored at times, nor is it material to the present discussion at all. I refer to it for the purpose of saying to the Senate that the rule which I propose is not a real abridgment of the rights of the Senate. It is an abridgment probably of rights which the Senate at times has sought to exercise and has exercised without protest upon the part of the House; but if we were to confine ourselves to the spirit as well as the letter of the Constitution we would not bring forward amendments embracing other subjects than those which are found in the bill which the House presents to us for our consideration.

Mr. ALDRICH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. The Senator of course is aware that the subject which he is now considering and discussing is vastly more important to the people of this country and to this body than anything which is involved in the rule under discussion. It is true that in 1872 there was a precedent established of the character which he has referred to. But that was the last time, and I believe the only time in the history of this Government, when any such action was taken.

Mr. BEVERIDGE. Was not the duty removed on anthracite coal without touching the tariff in any other particular?

Mr. ALDRICH. That has nothing whatever to do with this matter.

Mr. BEVERIDGE. So tariff changes have been made in that way.

Mr. ALDRICH. That has nothing whatever to do with the question we are now discussing as to the power of the Senate to amend a tariff law.

Mr. BEVERIDGE. The Senator said that was the only precedent. There has been another.

Mr. ALDRICH. That has nothing whatever to do with the proposition now made by the Senator from Iowa. In 1883 the House passed an internal-revenue bill. It contained not one single item referring to the tariff. It came to the Senate and the Senate put an entire tariff revision upon it. I say when it came here it had nothing whatever to do with the tariff system and was purely an internal-revenue bill, and because it was a revenue bill we claimed our right under the Constitution to

amend it as other bills could be amended, and we sent it back to the House and the House accepted it.

In 1890, which was the next revision, the House sent us the bill known as the McKinley bill. We made twelve hundred amendments to it.

Mr. CUMMINS. Precisely; but you did not violate any rule.

Mr. ALDRICH. The House accepted our amendments. In 1894 there was a more significant illustration. Both Houses of Congress and the President being then Democratic, the House sent us a bill, and the Senate changed it so that the President thought and the people of the country thought it made an entire change of the House bill. It was sent back to the House, and the House accepted it without even a committee of conference and without any disagreement at all on the amendments.

In 1897 we followed the precedent made in 1890. In 1909 we did the same thing. The bill which we sent back to the House of Representatives had entirely new provisions, which had nothing whatever to do with the bill as it came to us from the House.

The question of the right of the Senate to amend tariff bills is a fundamental question. If the Senator's contention is right, he would nullify the equal representation of States in this body and disturb one of the great compromises of the Constitution, and it is more revolutionary in its character, more destructive of the rights of the States and of their representatives in this body than any other doctrine that could be announced.

Mr. CUMMINS. Mr. President, I would not have the Senator from Rhode Island understand that it is necessary for me to adopt the view of the Constitution which I have just suggested in order to stand for or favor the resolution which I have presented. But I nevertheless reassert the soundness of the position taken by the House of Representatives in 1872. I have only mentioned it for the reason that it seemed to me that it would aid somewhat in our consideration of this resolution when we remembered that we were not confining ourselves to the Constitution as it was asserted in 1872 by the House. The rule, in other words, does not limit amendments as closely as it was claimed by the House in 1872 they are limited by the Constitution. However, on the broad question of public policy, as well as upon the interpretation of the Constitution, I am in sympathy with the position taken by the House in 1872, and I yield to the force of the arguments then presented by Mr. Dawes, and Mr. Garfield, and Mr. Butler, and Mr. HALE, and many others whose names are well known in the history of our country.

The Senator from Rhode Island speaks of the compromises of the Constitution. He must remember, for he is a careful student of history, that the compromise of the Constitution was between the equal representation in the Senate of the United States and the exclusive right of the House of Representatives to originate revenue bills. This country organized the Senate as it is now organized upon consideration that the House should have the sole right to originate bills for the purpose of raising revenue.

It seems to me that his view has in some way transposed this compromise. We granted to the House this right in order that each State might be represented in the Senate, no matter how large or how small it might be, by two Senators. The people would never have created this tribunal as it was created if we had not said to the people of the colonies that the popular assembly, the House of Representatives, should have the sole right to originate such bills as this. They could not anticipate, they did not anticipate, any such tariff bill as we now have.

Mr. BACON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I do.

Mr. BACON. I simply want to ask the learned Senator if he does not think the adoption of that fundamental rule was rather a recognition of what had been the custom for centuries of the country from which we derive our institutions, that revenue bills should originate in the popular branch, rather than that it should have had its origin in the spirit of compromise to which the Senator alludes. Of course, there were a great many compromises in the Constitution, in which the composition of the Senate and the authority of it played a very conspicuous part, but I do not think the mere character of revenue bills led to a compromise in the composition of Congress. I am satisfied that the framers of the Constitution recognized the fundamental proposition which had been known so long in England, to wit, that revenue bills should originate in the popular branch of the Government.

Mr. CUMMINS. Undoubtedly the thought that revenue bills ought to originate in the popular branch of government arose

from the history of the English people and the history of the House of Commons, but when it came to crystallize this thought in the Constitution of the United States, then the equal representation of the States in the Senate played a very important part. It was not conceded in the Constitutional Convention that all revenue bills should originate in the House of Representatives. As the Senator well knows, there was a bitter struggle against equal representation in the Senate, and the compromise of which we speak, of course, was not a written agreement that in consideration of the House originating revenue bills the States should be equally represented in the Senate. I mean that the preservation, if you please, in the popular branch of the Government of the right to originate revenue bills, accompanied or induced the consent of those who were opposed to it, partially, at least, to the plan that the States should be equally represented in this body.

Mr. ALDRICH. If the Senator will allow me a moment—

Mr. CUMMINS. I did not intend to drift into an argument upon this subject.

Mr. ALDRICH. Just a moment. Does the Senator contend that there is any limitation on the right of the Senate to amend other bills than revenue bills?

Mr. CUMMINS. I do not; except as it has adopted rules for that purpose.

Mr. ALDRICH. Then, what does the language of the Constitution mean when it says "as on other bills?" Where do you get your limitation on the power to amend revenue bills?

Mr. CUMMINS. I have read the discussions of men whose opinions are entitled to great respect, who have given their reasons for believing that this phrase or clause of the Constitution should be so construed. I do not intend at this time to enter upon the discussion from my own individual standpoint. I ventured to concur with Mr. Dawes and with Mr. Garfield, and with Mr. Hale and with Mr. Butler, and with everybody else who spoke upon that subject in the House in 1872 upon this matter. I did it only as a suggestion that in adopting this rule the Senate was not abridging its privileges at all; that we were not by the rule bringing the Senate down to the point which the Constitution prescribes for it.

I may say, however, in answer to the suggestion of the Senator from Rhode Island, and I suppose he will agree with me, that when a bill comes to the Senate from the House, the present right of amendment, as defined in general parliamentary law, will permit the Senate to attach to that bill any amendment whatsoever, it makes no difference what the subject is.

Mr. ALDRICH. It would not include every bill, of course. Under the Constitution we have no power to originate revenue bills, and that would be the origination of a revenue bill.

Mr. CUMMINS. The Senator from Rhode Island, it seems to me, is falling into an inconsistency. If the House brings us a bill for a pension and we attach to it a revenue bill—

Mr. ALDRICH. That is clearly not in our power.

Mr. BEVERIDGE. What can we attach to it? That is very important.

Mr. CUMMINS. I assume the Senator from Rhode Island denies our right to attach to it a revenue bill. Why? Because in so doing we would originate a revenue bill. That is right, is it not? Does the Senator from Rhode Island hold that a revenue bill can originate by an amendment?

Mr. ALDRICH. I think it would be clearly against the spirit of the Constitution.

Mr. BAILEY. And against the letter.

Mr. ALDRICH. And against the letter.

Mr. CUMMINS. I agree with the Senator from Texas.

Mr. ALDRICH. I think it would be against both the spirit and the letter.

Mr. CUMMINS. It would be against both the spirit and the letter.

Mr. ALDRICH. But that is not the question I am discussing.

Mr. CUMMINS. I am asking the Senator if he distinguishes between the original introduction of a bill and an amendment to a bill. You must agree with me, therefore, that a revenue bill may be originated by an amendment to another bill as well as by original introduction.

Mr. ALDRICH. But if it is a revenue bill a different rule under the Constitution applies. There is no limitation.

Mr. CUMMINS. The Senator from Rhode Island does not answer my question. I will reach that in a moment. I ask it again. Does the Senator believe that a revenue bill can originate by amendment to another bill as well as by original introduction?

Mr. ALDRICH. It depends entirely on what the House bill is.

Mr. CUMMINS. Then, the Senator—

Mr. ALDRICH. If the House sends us a revenue bill, originated in the House of Representatives, an amendment to that bill would not be the origination of a revenue bill.

Mr. CUMMINS. But the Senator from Rhode Island agrees at least, and I am glad he does, that if the House were to pass a pension bill and it were transmitted to the Senate and the Senate were to try to amend it by engrafting upon it or adding to it a revenue bill, we would then be attempting, contrary to the Constitution, to originate a revenue bill. Therefore, he agrees that a revenue bill can originate by amendment as well as by original introduction.

Mr. ALDRICH. My contention is that if the House sends us a bill which is clearly a bill answering the constitutional description of a revenue, we can amend it here in any direction we choose, as we can amend other bills.

Mr. BEVERIDGE. May I ask the Senator from Rhode Island a question?

Mr. ALDRICH. Wait a minute. I say if the House sends us a bill which is not a revenue bill and we undertake by indirection to violate the Constitution, we could not do it.

Mr. CUMMINS. The Senator of course states a case, but he refuses to assent to or dissent from the principle I have endeavored to suggest.

Mr. ALDRICH. I dissent entirely from the principle, if I understand it, that the Senator is trying to get me to assent to. I dissent of course from the proposition that if the House sends us a revenue bill and we amend it in any particular, we originate a revenue bill and are therefore undertaking to do something forbidden by the Constitution. If that is the contention of the Senator I dissent entirely from it, of course.

Mr. CUMMINS. I am not asking the Senator from Rhode Island to agree with me in my contention. I am asking whether he agrees with me on certain principles that I announce—

Mr. ALDRICH. I see no principle involved.

Mr. CUMMINS (continuing). Namely, that a revenue bill can originate by our amendment as well as by original introduction.

Mr. ALDRICH. That is not a principle. It is a fact which depends entirely upon the nature of the bill in both cases.

Mr. CUMMINS. Then I despair of getting any answer to my question.

Mr. BEVERIDGE. Will the Senator from Iowa permit me? The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I do.

Mr. BEVERIDGE. I wish to ask a question of the Senator from Rhode Island. The Senator has raised here as important a question of legislation as can possibly be raised. He quotes the language of the Constitution, "as on other bills," and then uses, at my suggestion, the illustration of a pension bill coming here. Now, then, what does the Senator from Rhode Island say can be added to a private pension bill that is received from the House?

Mr. ALDRICH. Anything outside of legislation or amendments that are prevented by the Constitution of the United States.

Mr. BEVERIDGE. But what are they?

Mr. ALDRICH. Revenue bills.

Mr. BEVERIDGE. Then if a private pension bill comes to the Senate, the Senate by amendment can add anything at all to it except a bill which refers to the revenue.

Mr. ALDRICH. If the Senate decides that it is germane.

Mr. BEVERIDGE. It is a question for the Senate?

Mr. ALDRICH. Yes; under the rules of the Senate, of course.

Mr. CUMMINS. I dissent from the proposition that there is any rule which requires amendments generally to be germane.

Mr. ALDRICH. We have a rule of that kind.

Mr. BEVERIDGE. The Senator, then, disagrees now from the position of the Senator from Georgia, to which he agreed a moment ago, that the rules of the Senate actually limit our constitutional rights—

Mr. ALDRICH. Not at all.

Mr. BEVERIDGE. Because he says under the Constitution we have the right to add to a private bill any legislation except a revenue bill.

Mr. ALDRICH. There are no provisions on the subject in the Constitution. That matter is determined, of course, by general parliamentary law as interpreted by the Senate rule.

Mr. BEVERIDGE. Oh, no.

Mr. ALDRICH. We are a coordinate branch of the legislature, and we have the right, I assume, if not restricted by the Constitution, to amend any bill which comes from the House of Representatives in any form we please, and the House has the

same right under their rules and general parliamentary law. Of course, we are bound to assume that the Senate would not, if it were an ordinary pension bill, put on a railway rate bill, for instance.

Mr. BEVERIDGE. That is a matter of judgment.

Mr. ALDRICH. That is a matter which commends itself to the proprieties of the Senate itself. We are supposed to be acting here with ordinary common sense.

Mr. BEVERIDGE. So we are limited then?

Mr. ALDRICH. I hope we are limited in that particular direction.

Mr. BEVERIDGE. I think we all see very clearly. The Senator has gone very broadly. I think he is right myself, and I am glad it is on record. He says we can amend any bill coming to us not a revenue measure in any way we please except by the initiation of a revenue bill.

Mr. ALDRICH. Does the Senator know of any other limitation?

Mr. BEVERIDGE. I was asking the Senator's opinion on that matter. I think it will be interesting later.

Mr. CUMMINS. This is an interesting colloquy. The Senator from Rhode Island hopes that we will always be guided by common sense. I am not so optimistic as the Senator from Rhode Island. I can easily see we might fall into the habit of obstructing legislation by these amendments taking a wide range, just as we have fallen into the habit of prohibiting tariff legislation by compelling Congress at any time that the subject is touched to embrace the whole field. But now, mark you, if it is true that a revenue bill can originate by an amendment to a bill, it is of course true that a revenue bill can originate by an amendment to a revenue bill as well as an amendment to any other bill. It depends upon other considerations as to whether it is an origination of a revenue measure or not.

The House of Representatives in 1872 insisted that the right of amendment which was given to the Senate, which constitutes an exception to the prohibition against the Senate with regard to revenue measures, does not include the right to bring in other subjects than those proposed by the House, and the House reached that conclusion by declaring that whenever any other subject was brought in by way of amendment it constituted the origination of a revenue bill, and therefore could not be or would not be permitted under the Constitution.

Mr. BAILEY. Will the Senator from Iowa permit me a moment?

Mr. CUMMINS. Certainly.

Mr. BAILEY. Suppose the House were to send to the Senate a direct taxation bill, for instance, levying a given per cent on all property. The Senator does not doubt that the Senate would have the right to strike that out and insert an income tax bill? In other words, the House having determined the necessity of raising revenue, the Senate may disagree with the House as to the particular object on which it shall be raised and substitute one agreeable to its own judgment. I would hate to concede we did not have that power.

Mr. CUMMINS. I am prepared to admit that the Senate may judge as to the amount of revenue to be raised, and may effect that by any amendment it may choose to propose, but I am not ready to admit that the Senate may change the object or the subject of the taxation in order to raise the revenue. I had no thought of entering into a discussion of that sort. I reminded the Senate of the debate in 1872, a debate that is somewhat famous in the literature of Congress, and I only brought it forward, as I have suggested many times, for the purpose of showing that if this view of the Constitution were to be received—and I concur in that view—then this rule ought not to be objected to in the Senate, but that if it finds objectors, they would naturally be in the House of Representatives.

Mr. BAILEY. The trouble about that view of the Constitution is that, if accepted, it confines the Senate almost entirely to differences in rates, and gives us no power to select the object of taxation. Now, the Constitution must have intended to mean something when it authorized the Senate to concur with amendments as in the case of other bills.

Going back to the illustration a moment ago, I have no doubt if the House would send us a pension bill we could amend it by a bill appropriating money to sustain the Army, provided we kept the appropriation within the two years required by the Constitution, or we could amend it by creating an additional circuit judge of the United States.

Of course, the Senate might disable itself from doing it by its own rules, but I do not subscribe to the doctrine of the Senator from Rhode Island that we are necessarily confined by the rules of general parliamentary law, for the Constitution expressly authorizes each House to prescribe and determine its own rules, and we could by a rule expressly provide that the general parliamentary law should not prevail here.

Mr. ALDRICH. I have no doubt of that at all.

Mr. BAILEY. I understood the Senator to say we had to do these things according to general parliamentary law.

Mr. ALDRICH. I meant, of course, as interpreted by the Senate rules.

Mr. BAILEY. I misunderstood the Senator, probably, but I understood him to say that.

Mr. CUMMINS. That was the interpretation of the Senator from Indiana.

Mr. BAILEY. I do believe, however, that the one limitation upon us is that we would not engraft a revenue bill on any other kind of a bill, because all bills raising revenue must originate there. I think the Senator is right that you can originate a bill by amendment just as well as you can in any other way.

There would be much ground for the argument if the Constitution, after disabling us from originating revenue bills, had not then added that we might concur with amendments as in the case of other bills. Except for that language, I think the Senator from Iowa would be very nearly right in his contention.

Mr. CUMMINS. Mr. President, my view of it is that inasmuch as it is acknowledged by all Senators, I think, and all thinking persons that the Senate is not bound by any limit as to the amount of revenue to be raised, it must be bound by this prohibition of the Constitution in some other respect. The Constitution meant something when it declared that all bills to raise revenue must originate in the House of Representatives. If we are not bound by the judgment of the House with respect to the amount of revenue, if we are not bound by the action of the House with regard to the subjects upon which the revenue is to be raised, then there is no practical limitation whatsoever. I repeat that when a revenue bill comes from the House relating to tea and coffee, as was the case in 1872, and the Senate should proceed to attach to that a system of internal taxation upon spirits or upon tobacco, we have originated that revenue bill so far as such an amendment is concerned. A bill may originate in the sense of the Constitution just as truly and as completely by amendment as it can originate by introduction. Therefore I have been impelled to adopt the conclusions which these honored and distinguished leaders of the House reached in 1872, and I repeat that I only mention it here in order that Senators may know that they are not abridging their own rightful powers and privileges by the adoption of a rule such as I have proposed.

When this resolution reaches the House, then quite a different proposition will arise, because unquestionably it does rearrange substantially the rules of the House of Representatives, and it will be for the House to determine whether it would rather have the unlimited right of amendment to revenue bills or to tariff bills or to bills that seek to change the present tariff law, or whether it would rather have the practical privilege, of which it now enjoys only the abstract possession, to amend in fact the existing statute.

Mr. President, I have consumed a great deal more time than I intended.

Mr. BACON. Mr. President—

Mr. CUMMINS. My only apology is that comparatively little of it has been consumed by me, though. I have not hesitated to yield to hear the discussion that arose upon interruptions, and I now yield to the Senator from Georgia.

Mr. BACON. Mr. President, before the Senator concludes I wish to make a suggestion which may be pertinent to the very interesting discussion as to the origin of the provision in the Constitution both as to where bills of revenue should originate and as to the power of the Senate to make amendments. I desire to call the attention of the Senator to some of the constitutional history of England, with which I am sure he is entirely familiar, which may in a measure elucidate the question.

Of course we all know the fact that in the early history of England taxes were levied by the monarch without the intervention of any parliamentary body. That led to resistance on the part of those who had to pay the taxes, and in a way which I need not stop to narrate in any manner the House of Commons was developed and formed.

The question of taxation was the principal thing which caused the development and formation of that body, the thing which brought it into being. The crucial question was whether or not the monarch should levy the taxes without the consent of the people—not as to the quantity or the amount of the taxation or the object for which it should be levied, but whether any taxation should be levied upon the people without the consent of their representatives. That was the fundamental proposition finally established, that no taxes could be levied without the consent of the representative branch. It went still further; it went to the extent that it became the unwritten constitution of Great Britain that the House of Lords could not amend the

revenue bills of the House of Commons, and for hundreds of years that has been the practice, if not recognized law.

Mr. CUMMINS. And that is a very interesting and vital question now.

Mr. BACON. It has been recognized law, so far as that could be manifested by the practice of centuries, that the House of Lords shall not amend revenue bills, and that is now the basis of the great political controversy which is being waged in England. So that the question was settled in two respects. The first was that there should be no taxation without the consent of and without the origination in the House of Commons, which was the representative body. That was a barrier which was insurmountable, not simply that there should not be great taxation or unjust taxation, but the barrier put up was that there should be no taxation unless it originated in the House of Commons, which represented the great body of the people. Then there was the adjunct to it that the House of Lords should not amend a revenue bill.

When the Constitution was framed by our fathers that was the recognized law of Great Britain; that was the precedent they had before them, because we know that our Constitution, while it is republican and while that of England is monarchical, is in large degree, except as to the particular form of government, as to all its fundamental principles founded upon the constitution of Great Britain. Members of the convention then had to face the question, Shall we adopt the policy as it is in Great Britain or shall we modify it? They concluded they would adopt it to the extent that there should be no revenue bill, no taxation assessed, unless it originated with the body representing the people. The next question was, Shall the Senate participate, or shall it be as the House of Lords is—without the power to amend? They determined that the Senate, representing the States, while it could not originate revenue bills, should have the power of amendment, and it was intended, when the Constitution expressly said that the Senate should have the power of amendment "as on other bills," to make that radical and far-reaching change in the fundamental law as it existed in Great Britain at that time, which denied to the upper house the right to make any amendments whatsoever to revenue bills.

It seems to me, Mr. President, that that throws light upon the question of what was the intention in conferring upon the Senate the power to amend revenue bills, and as to what was the purpose and what is the legitimate scope of the grants of power contained in the Constitution when its framers faced the proposition with the precedent before them which they then had and by which they were in part guided.

Mr. CUMMINS. Mr. President, I do not question at all the accuracy of the development of the history of this question, as stated by the Senator from Georgia. I, however, do not draw the same conclusion from it. I agree that there is in the Senate the right of amendment of revenue bills originating in the House. I only deny that the right of amendment can be so exercised as to destroy the privilege which was granted exclusively to the House.

I hope, in the further consideration of this subject, whether by the committee or by the Senate as a whole, if the resolution which I have proposed be found not the most effective way to reach the desired result, that our united efforts will find some way in which the tariff law passed in 1909 can be amended. That is the sole purpose of the joint resolution. It is a humiliating confession, as it seems to me, for the Members of Congress to make that they have enacted a law which, by reason of its character, by reason of the parliamentary privileges which surround any proposal to amend it, becomes unalterable until it is completely overthrown, either by the substitution of such a law as Senators upon the other side of the Chamber will propose, if they have the opportunity to do so, or by such a revision as will be proposed by Senators upon this side of the Chamber when the wrath and the indignation of the people compel them to move.

I move that the joint resolution be referred to the Committee on Rules.

Mr. HALE. Before the joint resolution is referred—

Mr. CUMMINS. I have no disposition to press the submission of the motion.

Mr. HALE. The Senator will not object when he hears my statement.

Mr. CUMMINS. I am perfectly willing to leave it open to debate to any extent.

Mr. HALE. The junior Senator from Iowa [Mr. YOUNG], the colleague of the Senator who has just taken his seat, desires to speak upon the joint resolution before its reference. His arrangements are such that he can not speak either to-day or to-morrow, and he has given notice that he will address the Senate upon the joint resolution on Thursday morning. As to-morrow will be taken up by the Senator from New Hamp-

shire [Mr. BURNHAM] with his bill, I rise for the purpose of asking that the joint resolution lie upon the table for the present, so as to give the junior Senator from Iowa an opportunity to address the Senate upon it on Thursday.

The PRESIDENT pro tempore. Is there any objection to the request of the Senator from Maine? The Chair hears none, and the joint resolution will lie on the table.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 25 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 14, 1910, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 13, 1910.

COLLECTOR OF CUSTOMS.

G. Edward Schulz, of Wisconsin, to be collector of customs for the district of Milwaukee, in the State of Wisconsin, in place of William H. Devos, whose term of office expired by limitation on December 21, 1909.

PROMOTIONS IN THE NAVY.

Midshipman Timothy J. Keleher to be an ensign in the Navy from the 6th day of June, 1910, to fill a vacancy existing in that grade on that date.

Passed Asst. Paymaster Frank T. Watrous to be a paymaster in the Navy from the 2d day of October, 1910, vice Paymaster Walter A. Greer, resigned.

Asst. Paymaster John J. Luchsinger to be a passed assistant paymaster in the Navy from the 1st day of January, 1910, vice Passed Asst. Paymaster Ervin A. McMillan, promoted.

Asst. Paymaster Joseph E. McDonald to be a passed assistant paymaster in the Navy from the 2d day of October, 1910, vice Passed Asst. Paymaster Frank T. Watrous, promoted.

Asst. Paymaster Everett G. Morsell to be a passed assistant paymaster in the Navy from the 2d day of November, 1910, vice Passed Asst. Paymaster Edwards S. Stalnaker, promoted.

The following-named citizens to be assistant paymasters in the Navy from the 7th day of December, 1910, to fill vacancies existing in that grade on that date:

Smith Hempstone, a citizen of the District of Columbia;
Harry W. Rusk, jr., a citizen of Maryland; and
Harold C. Gwynne, a citizen of Virginia.

POSTMASTER.

James R. Hopley to be postmaster at Bucyrus, Ohio, in place of Joseph E. Hall. Incumbent's commission expires January 29, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 13, 1910.

CONSUL GENERAL.

David F. Wilber to be consul general at Vancouver, British Columbia, Canada.

CONSULS.

Allen Gard to be consul at Celba, Honduras.
James Verner Long to be consul at Venice, Italy.
John Q. Wood to be consul at Tripoli, Tripoli.
George N. West to be consul at Kobe, Japan.

COLLECTORS OF CUSTOMS.

William H. Northup to be collector of customs for the district of Pensacola, Fla.

Charles J. Byrns to be collector of customs for the district of Superior, Mich.

John C. Ames to be collector of customs for the district of Chicago, Ill.

SURVEYOR OF CUSTOMS.

Julius S. Starr to be surveyor of customs for the port of Peoria, Ill.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Walker Waller Joynes to be captain.
Second Lieut. Edward Shanley Addison to be first lieutenant.
Second Lieut. Joseph Henry Crozier to be first lieutenant.
Second Lieut. William Henry Shea to be first lieutenant.
Second Lieut. William Albert Whittier to be first lieutenant.
Third Lieut. Louis Leon Bennett to be second lieutenant.
Third Lieut. John H. Cornell to be second lieutenant.
Third Lieut. Gordon Thomas Finlay to be second lieutenant.

Third Lieut. William Pitts Wishaar to be second lieutenant.
 Third Lieut. William Williams to be second lieutenant.
 Cadet Charles George Roemer to be third lieutenant.
 Second Lieut. of Engineers Edwin Williams Davis to be first lieutenant of engineers.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Passed Asst. Surg. Henry W. Wickes to be surgeon.
 Benedict J. Duffy to be assistant surgeon.
 Lewis R. Thompson to be assistant surgeon.

SOLICITOR FOR STATE DEPARTMENT.

J. Reuben Clark, jr., to be Solicitor for the Department of State.

SOLICITOR OF THE TREASURY.

William T. Thompson to be Solicitor of the Treasury.

UNITED STATES ATTORNEYS.

E. H. Randolph to be United States attorney for the western district of Louisiana.

Alexander Dunnett to be United States attorney for the district of Vermont.

Bernard S. Rodey to be United States attorney for the District of Alaska, Division No. 2.

Fred. C. Wetmore to be United States attorney for the western district of Michigan.

Oscar Cain to be United States attorney for the eastern district of Washington.

UNITED STATES DISTRICT ATTORNEY.

Frank E. Hinckley to be district attorney of the United States court for China.

UNITED STATES MARSHALS.

Ben. Ingouf to be United States marshal for the western district of Louisiana.

Albert J. Martin to be United States marshal for the western district of Missouri.

CLERK OF THE UNITED STATES COURT FOR CHINA.

James B. Davies to be clerk of the United States court for China.

AUDITOR FOR PORTO RICO.

Jesse W. Bonner to be auditor for Porto Rico.

REGISTER OF THE LAND OFFICE.

Arthur E. Curren to be register of the land office at Fort Sumner, N. Mex.

RECEIVER OF PUBLIC MONEYS.

Enrique H. Salazar to be receiver of public moneys at Fort Sumner, N. Mex.

PROMOTIONS IN THE NAVY.

The following-named lieutenants (junior grade) to be lieutenants:

Roy C. Smith,
 Arthur C. Stott, jr.,
 Edmund S. Root, and
 Arthur W. Sears.

The following-named ensigns to be lieutenants (junior grade):

Roy C. Smith,
 Arthur C. Stott, jr.,
 Edmund S. Root,
 Arthur W. Sears,
 Nelson H. Goss,
 Stanford C. Hooper,
 Walter H. Lassing,
 William L. Culbertson, jr.,
 Theodore G. Ellyson,
 Wilhelm L. Friedell,
 Edward S. Robinson,
 John J. London,
 John W. Wilcox, jr.,
 Laurance N. McNair,
 Halford R. Greenlee,
 Lloyd W. Townsend,
 Benjamin H. Steele, and
 Kenneth Whiting.

Lieut. (Junior Grade) George M. Baum to be a lieutenant.

Lieut. (Junior Grade) Isaac C. Johnson, jr., to be a lieutenant.

Lieut. (Junior Grade) Leigh M. Stewart to be a lieutenant.

Lieut. William C. Watts to be a lieutenant commander.

Lieut. (Junior Grade) George V. Stewart to be a lieutenant.

Lieut. (Junior Grade) Arthur K. Atkins to be a lieutenant.

Lieut. (Junior Grade) Isaac F. Dortch to be a lieutenant.

Commander George E. Burd to be a captain.

Commander John H. Shipley to be a captain.

Commander James H. Oliver to be a captain.

Commander John E. Craven to be a captain.

Commander John J. Knapp to be a captain.

Commander John Hood to be a captain.

Commander Edward E. Hayden to be a captain.

Commander Benjamin C. Bryan to be a captain.

Commander Charles H. Harlow to be a captain.

Commander Clarence A. Carr to be a captain.

Commander William A. Gill to be a captain.

Commander Harold P. Norton to be a captain.

Commander Frank M. Bennett to be a captain.

Commander John H. Gibbons to be a captain.

Lieut. Commander Louis A. Kaiser to be a commander.

Lieut. Edward T. Constien to be a lieutenant commander.

Lieut. Commander William C. Cole to be a commander.

Lieut. Commander Frederic B. Bassett, jr., to be a commander.

Lieut. Commander Herbert G. Gates to be a commander.

Lieut. Commander Richard H. Jackson to be a commander.

Lieut. Commander Arthur B. Hoff to be a commander.

Lieut. Commander Nathan C. Twining to be a commander.

Lieut. Commander Benjamin F. Hutchison to be a commander.

Lieut. Commander Thomas P. Magruder to be a commander.

Lieut. Commander Sumner E. W. Kittle to be a commander.

Lieut. Commander William V. Pratt to be a commander.

Lieut. Commander Louis M. Nulton to be a commander.

Lieut. Commander George R. Marvell to be a commander.

Lieut. Commander William D. MacDougall to be a commander.

Lieut. Commander George B. Bradshaw to be a commander.

Lieut. Commander Cleland N. Offley to be a commander.

Lieut. Commander Louis R. de Steiguer to be a commander.

Lieut. Commander Philip Williams to be a commander.

Lieut. Commander William W. Phelps to be a commander.

Lieut. Commander John B. Patton to be a commander.

Lieut. Commander Charles A. Brand to be a commander.

Lieut. Fletcher L. Sheffield to be a lieutenant commander.

Lieut. Henry C. Dinger to be a lieutenant commander.

Lieut. Lyman A. Cotten to be a lieutenant commander.

Lieut. Edward Woods to be a lieutenant commander.

Lieut. Louis Shane to be a lieutenant commander.

Lieut. Alexander N. Mitchell to be a lieutenant commander.

Lieut. Frank L. Pinney to be a lieutenant commander.

Lieut. William P. Cronan to be a lieutenant commander.

Lieut. William T. Tarrant to be a lieutenant commander.

Lieut. Walter B. Tardy to be a lieutenant commander.

Lieut. William B. Wells to be a lieutenant commander.

Lieut. Clarence A. Abele to be a lieutenant commander.

Lieut. Irwin F. Landis to be a lieutenant commander.

Lieut. David C. Hanrahan to be a lieutenant commander.

Lieut. Thomas L. Johnson to be a lieutenant commander.

Lieut. Yancey S. Williams to be a lieutenant commander.

Lieut. (Junior Grade) Jonathan S. Dowell, jr., to be a lieutenant.

Lieut. (Junior Grade) Stanford C. Hooper to be a lieutenant.

Lieut. (Junior Grade) William O. Spears to be a lieutenant.

Lieut. (Junior Grade) Walter H. Lassing to be a lieutenant.

Lieut. (Junior Grade) John M. Poole, 3d, to be a lieutenant.

Lieut. (Junior Grade) Harry E. Shoemaker to be a lieutenant.

Lieut. (Junior Grade) John H. Newton, jr., to be a lieutenant.

Lieut. (Junior Grade) Andrew F. Carter to be a lieutenant.

Lieut. (Junior Grade) Albert Norris to be a lieutenant.

Lieut. (Junior Grade) Anthony J. James to be a lieutenant.

Lieut. (Junior Grade) William E. Eberle to be a lieutenant.

Capt. Charles E. Fox to be a rear admiral.

Capt. John C. Fremont to be a rear admiral.

Capt. Thomas B. Howard to be a rear admiral.

Capt. Albert Mertz to be a rear admiral.

Surg. John H. Iden to be a surgeon.

Surg. Frederick A. Asserson to be a surgeon.

Passed Asst. Surg. William Seaman to be a surgeon.

Passed Asst. Surg. Royall R. Richardson to be a surgeon.

Passed Asst. Surg. Henry A. Dunn to be a surgeon.

Passed Asst. Surg. Allan Stuart to be a surgeon.

Passed Asst. Surg. Jacob Stepp to be a surgeon.

Passed Asst. Surg. Herbert M. Tolfree to be a surgeon.

The following-named assistant surgeons to be passed assistant surgeons:

Montgomery A. Stuart,

Rudolph I. Longabaugh,

Frank X. Koltes,

William H. Short,

Herbert L. Kelley,

Julian T. Miller,

George B. Tribble,

Henry L. Dollard,

Harry R. Hermesesch,

Harry L. Smith,
Willard G. Steadman, jr.,
Martin Donelson,
Myron C. Baker,
Elmer E. Curtis,
Dow H. Casto,
Andre E. Lee,
John O. Downey,
Spencer L. Higgins,
Renier J. Straeten,
Isidore F. Cohn,
Howard F. Lawrence, and
Archibald M. Fauntleroy.
Surg. Eugene P. Stone to be a medical inspector.
Medical Insp. Charles T. Hibbett to be a medical director.
Surg. George Pickrell to be a medical inspector.
Pay Director Thomas J. Cowie to be Paymaster General, and
Chief of the Bureau of Supplies and Accounts.
Naval Constructor Richard M. Watt to be Chief Constructor,
and Chief of the Bureau of Construction and Repair.
Chief Constructor Washington L. Capps to be a Chief Con-
structor in the Navy.
Capt. Vincendon L. Cottman to be a rear admiral.
Commander Thomas Snowden to be a captain.
Commander Kenneth McAlpine to be a commander.
Lieut. George C. Sweet to be a lieutenant commander in the
Navy.
The following-named midshipmen to be ensigns:
Francis Cogswell,
James McC. Irish,
John C. Hilliard, and
Harold A. Strauss.
Machinist William B. Cothran to be an ensign.
The following-named assistant surgeons to be passed assistant
surgeons:
Charles W. O. Bunker and
Gordon D. Hale.
Asst. Surg. Montgomery E. Higgins to be a passed assistant
surgeon.
The following-named citizens to be assistant surgeons:
Edward P. Halton,
Arnold L. Jacoby,
William E. Eaton,
William H. Halsey,
James G. Omelvena,
Jasper V. Howard,
Lester L. Pratt,
John J. O'Malley,
Clarence C. Kress,
Robert F. Sheehan, and
Daniel D. V. Stuart, jr.
Chaplain Walter G. Isaacs, with the rank of commander, to
be a chaplain with the rank of captain.
Chaplain Bower R. Patrick, with the rank of lieutenant com-
mander, to be a chaplain with the rank of commander.
Chaplain Matthew C. Gleeson, with the rank of lieutenant, to
be a chaplain with the rank of lieutenant commander.
Naval Constructor Lloyd Bankson, with the rank of com-
mander, to be a naval constructor with the rank of captain.
Naval Constructor Thomas F. Ruhm, with the rank of lieuten-
ant commander, to be a naval constructor with the rank of
commander.
The following-named assistant naval constructors to be naval
constructors:
William McEntee,
William B. Ferguson, jr., and
John A. Spilman.
Civil Engineer Robert E. Peary, with the rank of commander,
to be a civil engineer with the rank of captain.
Civil Engineer Adolfo J. Menocal, with the rank of lieutenant
commander, to be a civil engineer with the rank of commander.
Asst. Civil Engineer Clinton D. Thurber to be a civil engineer.
Asst. Civil Engineer Robert S. Furber, with the rank of
ensign, to be an assistant civil engineer with the rank of lieuten-
ant (junior grade).
Boatswain Thomas M. Cassidy to be a chief boatswain.
Passed Asst. Paymaster Howard D. Lamar to be a paymaster.
Passed Asst. Paymaster Eugene H. Tricou to be a paymaster.
Asst. Paymaster Eugene H. Douglass to be a passed assistant
paymaster.
Asst. Paymaster Robert K. van Mater to be a passed assistant
paymaster.
Asst. Paymaster William S. Zane to be a passed assistant
paymaster.
Pay Insp. Livingston Hunt to be a pay director.

Paymaster Barron P. du Bois to be a pay inspector.
Passed Asst. Paymaster David C. Crowell to be a paymaster.
Asst. Paymaster James C. Hilton to be a passed assistant pay-
master.

Pay Insp. John A. Mudd to be a pay director.
Paymaster Harry E. Biscoe to be a pay inspector.
Asst. Paymaster Ellsworth H. van Patten to be a passed as-
sistant paymaster.

Pay Insp. George W. Simpson to be a pay director.
Paymaster George G. Selbels to be a pay inspector.
Machinist Matthias A. Thormahlen to be a chief machinist.

APPOINTMENTS IN THE NAVY.

The following-named citizens to be assistant paymasters in
the Navy:

George S. Wood,
Ulrich R. Zivnaska,
Alonzo G. Hearne,
Hervey B. Ransdell,
Harold C. Shaw, and
Henry R. Snyder.

MARINE CORPS.

To correct date of rank as previously confirmed:

Capt. Earl H. Ellis to be a captain from the 13th day of
May, 1908.

First Lieut. Philip H. Torrey to be a first lieutenant from the
13th day of May, 1908.

Capt. Thomas C. Turner to be a captain from the 14th day
of May, 1908.

First Lieut. Robert Tittoni to be a first lieutenant from the
14th day of May, 1908.

First Lieut. Ross E. Rowell to be a first lieutenant from the
17th day of May, 1908.

Capt. Raymond B. Sullivan to be a captain from the 17th day
of June, 1908.

First Lieut. Harold H. Utley to be a first lieutenant from the
17th day of June, 1908.

Capt. Howard H. Kipp to be a captain from the 10th day of
July, 1908.

First Lieut. Howard C. Judson to be a first lieutenant from
the 10th day of July, 1908.

First Lieut. Paul A. Capron to be a first lieutenant from the
24th day of October, 1908.

First Lieut. Allen M. Sumner to be a first lieutenant from the
14th day of December, 1908.

First Lieut. William F. Bevan to be a first lieutenant from
the 29th day of December, 1908.

First Lieut. John Potts to be a first lieutenant from the 16th
day of January, 1909.

First Lieut. Edward A. Ostermann to be a first lieutenant
from the 31st day of January, 1909.

The following-named citizens to be second lieutenants in the
United States Marine Corps:

George K. Shuler,
David S. Barry, jr., and
David L. S. Brewster.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. Ellis B. Miller to be a captain.

First Lieut. Charles F. Williams to be a captain.

Second Lieut. Reginald F. Ludlow to be a first lieutenant.

Second Lieut. Robert E. Adams to be a first lieutenant.

Second Lieut. Edwin N. McClellan to be a first lieutenant.

Lieut. Col. George Barnette to be a colonel.

The following-named boatswains to be chief boatswains in the
Navy:

William A. Macdonald,
Henry A. Stanley,
Joseph E. Cartwright,
James Glass,
John Law, and
Michael Higgins.

The following-named machinists to be chief machinists in the
Navy:

Gustav Auberlin,
John F. Green,
Arthur A. Smith,
Martin M. Schreiber,
Carl Johanson,
George S. Bingham,
William T. Robinson,
Fred T. Ingram,
Guss Williams, and
Thomas D. Healy.
Carpenter Elvie L. Kempton to be a chief carpenter.

POSTMASTERS.

ALABAMA.

R. B. Dugger, Tuscaloosa.
Joseph H. Montgomery, Birmingham.
Hattie N. Tabb, Thomasville.

ARKANSAS.

Samuel T. Benningfield, Walnut Ridge.
Martin S. Lefors, Gentry.

CALIFORNIA.

Byron D. Beckwith, Colusa.
Francis M. Bitts, Sherman.
Virgil Bunnell, Biggs.
Frank E. Ellis, Stockton.
Wilfred T. Gurney, Tuolumne.
William J. Hill, Salinas.
J. T. Leftwich, Inglewood.
Walter Mundell, Sawtelle.
George E. Seybolt, Taft.
W. S. Vawter, Santa Monica.

CONNECTICUT.

Elbert S. Adams, Norwalk.
Charles A. Curtiss, Thomaston.
William P. Everts, Salisbury.

DISTRICT OF COLUMBIA.

Norman A. Merritt, Washington.

IDAHO.

Lewis N. Balch, Potlatch.
Howard L. Hoppes, Rigby.
Burton W. Reeves, Richfield.
Sherman H. Smith, Post Falls.
Chancey Wallace, Nezperce.
John T. Welker, Cambridge.

ILLINOIS.

Charles F. Best, Nokomis.
Edward I. Boies, Sycamore.
James S. Courtright, Normal.
Adolph Fehrman, Pekin.
William H. Hainline, Macomb.
Henry B. Harvey, Cissna Park.
Luranah Haworth, Georgetown.
Elijah Needham, Virginia.
Milton M. Rodenberger, Windsor.
Milton H. Spence, Elmwood.
Frank Woolley, Saybrook.
Anton E. Yukel, Algonquin.

INDIANA.

Arthur A. Finney, Valparaiso.
Eva M. Kauffman, Topeka.
Gladys E. Lyons, Fairmount.
F. Richard Schaaf, Hammond.

IOWA.

Cecil Adams, Danbury.
Charles C. Bender, Spencer.
C. A. van Buskirk, Alta.
Walter S. Campbell, Batavia.
George Clark, jr., Newton.
James C. Dinwiddie, Marengo.
Charles L. Early, Sac City.
C. A. Easterly, Manning.
Frank E. Fritcher, Nashua.
R. M. Harrison, Fonda.
C. F. Hatch, Lake Park.
Alanson T. King, Gladbrook.
M. McDermott, Buffalo Center.
William H. Moore, Shelby.
Isaac Patterson, St. Ansgar.
James Payton, Cherokee.
James J. Pruitt, Larchwood.
William Springer, Manson.
Edwin C. Tompkins, Sioux City.
Gerardus L. Van de Steeg, Orange City.

KANSAS.

James A. Arment, Dodge City.
Herbert Cavaness, Chanute.
George W. Benedick, Plainville.
Birdsey Earhart, Oxford.
Edna M. Jeffers, Mineola.
George M. Hull, Salina.
W. H. Jordan, Seneca.

Emma W. McCune, Downs.
Evan P. McKain, Quinter.
L. D. McMurray, McPherson.
John C. Mack, Newton.
Jennie R. Reed, Almena.
A. J. Scranton, Delphos.
John A. Stark, Bonner Springs.
William H. True, St. Marys.

MAINE.

Edward Brown, Thomaston.
Samuel F. Davis, South Paris.
Frank H. Drinkwater, Yarmouth.
Lewis C. Flagg, Berwick.
Mary E. Frye, Fryeburg.
John C. Nichols, South Windham.
Abraham L. Wallace, Millbridge.

MASSACHUSETTS.

Althamer E. Chamberlain, Holliston.
Marcus M. Copeland, Onset.
Benjamin P. Edwards, Topsfield.
Nathaniel A. Eldridge, Chatham.
John W. Fairbanks, Westboro.
Julius Guild, Walpole.
Martin Hickey, Grafton.
Andrew N. Maxon, Blackstone.
Edward B. Sherman, Franklin.

MICHIGAN.

Arthur D. Bangham, Albion.
Charles R. Burleson, McBain.
John Farley, Stambaugh.
Oliver J. Gowans, Mackinaw.
Minnie L. Hall, Lawton.
James P. Hughes, Marshall.
Lynn T. Hulett, Augusta.
H. T. McGrath, Charlotte.
Horace G. Prettyman, Ann Arbor.

MINNESOTA.

Nicholas Ellertson, Mount Iron.
Joseph H. Feeter, Bird Island.
Thomas J. Godfrey, Hibbing.
James D. Griggs, Truman.
Fred Herring, Hawley.
Julia M. Holley, Madelia.
Dillwyn W. Jones, Mabel.
Frank H. Kratka, Thief River Falls.
A. E. Learned, Waverly.
Arthur McBride, Walker.
John B. Oadson, Madison.
William H. Revier, Northfield.

MISSISSIPPI.

John L. Carr, Tylertown.
Richard H. Coke, Mendenhall.
Edward Dezonis, West Point.
Asa A. Edwards, Laurel.
Martha H. McLaurin, Pelahatchee.
Frank L. Ratliff, Shaw.
James J. Scarborough, Poplarville.

MISSOURI.

Edwin T. Alexander, Slater.
Emory H. Brant, Maysville.
Amos H. Cole, Windsor.
Reuben W. Graves, Lancaster.
James A. Ham, Humansville.
Daniel J. Holman, Keytesville.
Melvin C. James, Higginsville.
William H. Luthy, Parkville.
George L. Miller, King City.
George W. Riddle, Kearney.
Mora L. Silger, Grandin.
J. J. Smith, Sweet Springs.
De Forest Spore, Odessa.

MONTANA.

Edward H. Cooney, Great Falls.
George Noffsinger, Somers.
Wallace N. Porter, Three Forks.

NEBRASKA.

F. M. Elliott, Mitchell.
Clarence J. McClelland, Fullerton.
Edward B. Richardson, Ulysses.

Charles Seeley, Trenton.
Romaine A. St. John, Gibbon.
J. H. Wilhermsdorfer, Harrison.

NEVADA.

Oran K. Adcock, Caliente.

NEW HAMPSHIRE.

Charles E. Poole, North Conway.
Mrs. H. P. Thompson, Troy.

NEW JERSEY.

Walter S. Browne, Vineland.

NEW YORK.

Pryce W. Bailey, Seneca Falls.
Harrison Beecher, Monticello.
Adelbert C. Brink, Wolcott.
Harman S. Clark, Mannsville.
Walter P. Crane, Kingston.
Lillian B. Davis, Mount Kisco.
Herman Dean, Fishkill.
Arthur Decker, Williamson.
J. Robert Douglas, Westfield.
George B. Helmle, Nyack.
George M. Horner, Belmont.
George D. Genung, Waverly.
Malcolm C. Judson, Norfolk.
William H. Marshall, Pleasantville Station.
Frank R. Pelsue, Faust.
James M. Pitkin, Newark.
John Raines, jr., Canandaigua.
William A. Reinhart, Inwood.
John W. Rose, Arlington.
George D. Sharpe, Richmond.
Charles E. Sheldon, Sherman.
Frederick R. Smith, Norwood.
William Smith, Livingston Manor.
Albert W. Southard, Valhalla.
Frank B. Spaulding, Witherbee.
Lucius E. Twinn, Akron.
Sarah H. Young, Cornwall Landing.
Eugene Vreeland, Dundee.
James H. Wilson, Little Valley.

NORTH CAROLINA.

Fannie M. Benbow, Franklin.
James A. Bristol, Andrews.
Charles E. Orr, Brevard.

PENNSYLVANIA.

William H. Baker, Ridgway.
Winfield S. Bonham, Simpson.
Peter V. Burke, Jessup.
John D. Burns, Paoli.
Robert Carns, Ridley Park.
Charles A. Dunlap, Manheim.
Charles E. Foringer, Kaylor.
Thomas R. Hirst, Christiana.
Earl W. S. McCartney, Conemaugh.
William McElhany, Pencoyd.
Joseph B. Means, Brookville.
George M. Palmer, Morrisville.
Josiah Phillips, Downingtown.
Nora L. Pickering, Peckville.
Joseph N. Ritchey, Falls Creek.
G. Gillette Saxton, Tioga.
Harry G. Teagarden, Punxsutawney.

RHODE ISLAND.

Jonathan Bateman, Manville.
Albert C. Landers, Newport.

SOUTH CAROLINA.

John R. Cochran, jr., Anderson.
Laurens G. Young, Union.

TENNESSEE.

S. D. Davis, Cookeville.
James A. Greer, Loudon.
A. V. McLane, Lewisburg.
Zeph Roby, Erin.
William Henry Shelley, Decherd.

UTAH.

Herbert Hopes, Eureka.
Luella E. Thorne, Pleasant Grove.
Edward J. Young, jr., Vernal.

VERMONT.

Perley S. Belknap, South Royalton.
George F. Pease, Rutland.

VIRGINIA.

William L. Mustard, Pocahontas.
W. B. Peters, Appalachia.

WASHINGTON.

Noah O. Baldwin, Pomeroy.
D. W. Hutchinson, Washougal.

WEST VIRGINIA.

Hugh I. Shott, Bluefield.

WYOMING.

William Gibson, Basin.
Daniel E. Goddard, Lusk.
Henry Harris, Superior.
Frank L. Palmer, Kemmerer.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 13, 1910.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Almighty God, we realize that Thou art the King of Kings, but we rejoice that Thou art a father king. We realize that Thou art the supreme judge of our acts; but we rejoice that Thou art a father judge, that Thou rulest Thy children in love and judgest them in mercy. Thou doest reign in righteousness, and Thy judgments are true and righteous altogether. Help us by the rectitude of our behavior and the willingness to do the work that Thou hast given us to do to show our appreciation of Thy goodness and of Thy wonderful works to the children of men. And Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

INHERITANCE TAX.

Mr. SMITH of Michigan. Mr. Speaker, I move that the vote by which the bill H. R. 22842, the inheritance tax bill, was passed on yesterday be reconsidered and that that motion do lie on the table.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the report accompanying the bill H. R. 22842, the inheritance tax bill, which was passed on yesterday, be printed in the RECORD.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the report touching the bill referred to be printed in the RECORD. Is there objection?

There was no objection.

The report is as follows:

[House Report No. 1091, Sixty-first Congress, second session.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 22842) providing for taxation of and fixing the rate of taxation on inheritances, devises, bequests, legacies, and gifts in the District of Columbia, and providing for the manner of payment as well as the manner of enforcing payment thereof, report the same back to the House with the recommendation that it do pass.

The purpose of this proposed legislation is to institute in the District of Columbia a system of taxation that has been recognized as just and equitable in most of the States of the Union. The Commissioners of the District of Columbia, however, while expressing "the opinion that an equitable and graduated inheritance tax constitutionally applied is correct in principle," nevertheless doubt the necessity of imposing it at this time. They say:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 29, 1910.

HON. S. W. SMITH,
Chairman Committee on District of Columbia,
House of Representatives, Washington, D. C.

DEAR SIR: The board in passing upon the subject-matter of H. R. 22842, Sixty-first Congress, second session, referred to them for examination and report, begs leave to express its understanding, at this opportunity, that as Commissioners of the District of Columbia, they regard themselves as constituting an impartial executive board to carry into effect the will of the partners to the compact known as the Organic Act, and in the formation of the expression of the partners' will into law to perform such helpful work, in their exceptional status, as between said partners, as may be practicable toward attaining an effective harmony of action.